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MENA Regional Strategy

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Results Summary/Impact Statement

- Completion of Assessment Mission in Algeria
- Completion of Meeting with Ministry of Interior Representatives in Morocco
- Development and submission of draft report to MEPI and USAID presenting the findings of the Oman Mission.

Background

On June 1, 2004, IFES received funding in the amount of \$287,000 from the Middle East Partnership Initiative (MEPI) and the U.S. Agency for International Development (USAID) to conduct a three-month project to develop a multi-year (2004-2007) strategy for election support for key countries in the Middle East and North Africa (MENA). The goal of this project is to work with election administrators, government officials, and other stakeholders in each of the targeted countries to determine whether election support is desired, and if so, to identify the specific kind(s) of technical assistance that is needed. Since June 2004, IFES has completed strategic needs assessment in Morocco, Yemen, Algeria, Jordan and Oman.

Activities

Assessment Mission to Algeria

From January 29 to February 5, a team of election specialists and regional experts traveled to Algeria to conduct an assessment of the electoral process. During the assessment, IFES held meetings with representatives from the US Embassy, the Ministry of Interior including the Minister himself, the Ministry of Justice, the National People Assembly, and various political parties, as well as key Algerian figures, women's rights activists, and civil society actors.

Preliminary analysis of mission findings reveals several areas where assistance may be appropriate, including:

- Judicial training;
- Assistance/training for local elected officials at the Wilaya (district) level in the execution of their responsibilities;
- Capacity building initiatives aimed at strengthening civil society organizations;
- Drafting of a comprehensive strategy aimed at raising citizens' awareness of their rights and duties;

- Development of an effective voter registration system involving the active participation of political parties and civil society organizations;

Meetings with Ministry of Interior Representatives in Morocco

In September 2004, a team of IFES election specialists and regional experts traveled to Morocco to analyze the structure and operation of Morocco's electoral process. During the assessment, representatives of the Ministry of Interior were not available for meetings. In order to complete the analysis of Morocco's electoral framework, a team of two IFES election experts conducted a follow-up mission to Morocco in February 2005. During this visit, the IFES team participated in a series of meetings with election officials at the Ministry of Interior in Rabat in order to collect critical information on the electoral process.

As a key part of this analysis, IFES identified specific areas where targeted assistance can contribute to the development of more equitable and transparent elections in Morocco. These include the following:

- Training on the use of finances and utilization of resources in the electoral process with a view toward addressing widespread problems of fraud including vote buying.
- Development of voter education programs that are not limited to the immediate election period but are an integral component of a broader on-going civic education strategy.
- Development and implementation of voter education initiatives targeting groups who may be most susceptible to illegal efforts to influence the process, e.g. young and first time voters, women, the illiterate, and/or voters in rural and remote areas.
- Provision of technical training for magistrates and prosecutors on election-related dispute resolution.
- Provision of technical assistance on legal drafting and approaches to increasing transparency such as consolidating all 17 laws relating to the electoral process into one, easily accessible publication.
- Continue current efforts in support of political party development with an emphasis on the strengthening of the institutional capacity of political parties and best practices.

The team also gathered stakeholders' views regarding the feasibility of effectively providing assistance in these areas.

Assessment Mission to Jordan

IFES conducted an assessment of Jordanian electoral processes on March 27-April 1, 2005. During the assessment, the team gathered primary data from representatives of the Ministry of Interior, Ministry of Political Development and local election officials to determine whether election support is desired, and if so, to identify the specific kind(s) of technical assistance that are needed. The Jordan assessment was carried out by a team of two IFES specialists: IFES Country Director in Yemen and Election Expert, Paul Harris and IFES MENA Program Officer, Aileen Hanel. Both specialists have country-specific expertise.

Since the mission was completed following the end of this quarter, IFES' findings and recommendations will be outlined in IFES' upcoming quarterly and in its draft assessment report.

Project cost-extension

In April 2005, IFES received a cost extension in the amount of \$50,000 in order to complete work on the MENA Strategy for Election Support project, including finalizing the regional analysis and carrying out an assessment mission in Jordan,

Activities Planned for Next Quarter

- Submission of amended report to MEPI and USAID presenting the findings of the Morocco assessment.
- Development and submission of draft report to MEPI and USAID presenting the findings of the Algeria assessment
- Development and submission of draft report to MEPI and USAID presenting the findings of the Jordan assessment.



**MENA STRATEGY FOR
ELECTION SUPPORT**

**OMAN: A TECHNICAL
ANALYSIS AND
NEEDS ASSESSMENT OF
THE ELECTORAL SYSTEM**

FEBRUARY 2005



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MENA STRATEGY FOR ELECTION SUPPORT

OMAN: A TECHNICAL ANALYSIS AND NEEDS ASSESSMENT OF THE ELECTORAL SYSTEM

SECTION I: SUMMARY

In December 2004, a team of IFES experts conducted a strategic needs assessment and study of Oman's electoral system. During the course of this assessment, IFES interviewed a number of stakeholders in Oman's electoral system, including members the Main Committee for elections, government officials, candidates for and members of the Majlis al-Shura, civil society representatives, members of the media, leading academics and intellectuals, and representatives of the diplomatic community in Muscat.

This report presents the findings of the assessment mission. The following are specific areas where targeted technical assistance will contribute to the development of freer, fairer elections in Oman and to the development of Oman's system of public participation overall. As a result of detailed discussions with a range of stakeholders, many of whom are known to be aware of the thinking of key decision makers, IFES believes there is sufficient political will to pursue the areas of reform proposed below:

Election Administration

- Appointment of a separate election management body located outside the Ministry of Interior comprised of judges and non-governmental individuals with relevant experience to plan, administer, and manage elections in Oman.
- Research low voter registration and voter turnout in the 2003 elections, with a view towards eliminating institutional or procedural barriers to participation and increasing voter registration and voter turnout during the next election.

Rule of Law

- Review and update the election by-law in advance of the next elections with a view to: 1) creating a comprehensive set of laws to govern the electoral process; and 2) clarifying regulations and procedures throughout the electoral process for voters, candidates, and election administrators. This law review and development process would encourage broad public input and would aim at a result that reflects international best practices and standards.
- Review and update the law governing civil society organizations (CSOs) to allow for the expansion of their role and scope of interest in a number of areas including civic and voter education. The development of CSOs in this fashion is likely to encourage political

participation and enhance national cohesion along functional lines and thus reduce the pull of tribal and regional affiliations.

- Review and update the press law to allow the media to play a more meaningful role in publicizing information regarding the election process and the work of representative bodies.

Civic and Voter Education

- Introduction of civic education at various levels in the school curriculum, including in-service training course for teachers.
- Engage civil society institutions to assist with civic education and voter education programs.
- Encourage members of the Majlis al-Shura to visit the schools in their constituencies on a regular basis, and facilitate visits by students to the Majlis al-Shura during annual sessions to increase student awareness of the role of the Majlis and to encourage youth participation.

Parliamentary Development

- Provide short training or introductory course for new members of the Majlis al-Shura consisting of basic parliamentary procedures, familiarization with the organization and work of the Majlis, an overview of relevant policies and issues, and instruction on reading and evaluation of legislative proposals.
- Develop a resource center at the Majlis al-Shura to ensure that members have access to information needed to facilitate their work and to implement legislation and government policies.
- Develop a professional and well-trained secretariat for the Majlis that is able to advise and assist the Majlis, its committees and the members to carry out their functions.

This report offers a comprehensive account and analysis of Oman's electoral system. Following is an assessment of Oman's technical needs; recommendations for improvements that will increase the equity and efficiency of elections in Oman; and a description of areas for technical assistance that are feasible and that, if implemented, will have a measurable impact on the administration of elections in Oman.

SECTION II: INTRODUCTION

Oman began the process of socio-economic development in earnest only in the years since 1970 when Sultan Qaboos bin Sa'id came to power. Although the Sultan retains the ultimate political authority, a consultative council was established in 1980 and was replaced by an indirectly elected council in 1991. This council, the Majlis al-Shura, has since seen its electorate expanded to all adult Omanis. The government's practice of choosing council members from a pool of nominees selected by voters has gradually been replaced by full and direct election, whereby the top candidates in electoral districts automatically

became members of the council. The Majlis is the only elected institution in the country. As such, it can be seen as an opening for participatory government. However, as described below, it remains less than a true parliament with a number of restrictions on its field of competence.

The last election to the Majlis al-Shura took place in 2003 when all adult Omanis were made eligible to vote for the first time. The most recent ten-year census, conducted in December 2003 after the election, gave a count of 2,340,815 inhabitants, of which 1,781,558 (76%) were Omani. This indicated a population increase that will in turn increase the number of Majlis members slightly at the next election. Pursuant to changes enacted in 2003, the new Majlis al-Shura will sit for four years, instead of the previous three-year term.

SECTION III: BACKGROUND

1. Brief History

People and Geography

Oman has been an independent state for centuries. Omanis are all, with a few minor exceptions, Muslims, divided between Sunnis (the “mainstream” of Muslims) and Ibadis (members of a small sect to be found mostly in Oman but close in practice to the Sunnis). There is also a small percentage of Shi’ah.

Oman is roughly divided into three disparate geographical regions: the capital territory, Inner Oman, and Dhufar. The capital, Muscat, has grown considerably in the last three decades and contains as much as one-fifth of the country’s total population. The Batinah Coast between Muscat and the United Arab Emirates (UAE) to the west has the highest concentration of people, mainly Arab but with sizeable numbers of Baluch. Most other Omanis are Arab. The historical and religious heartland of the country lies behind the Batinah and the mountain range paralleling the coast. The interior regions of Dakhiliyah, Dhahirah, and Sharqiyah contain numerous small towns and villages traditionally dependent on irrigated agriculture. A vast gravel desert separates the northern part of Oman from the southern region of Dhufar. Until recently, the people of Dhufar identified with Yemen as much as with Oman. They are divided between coastal dwellers, particularly in Oman’s second largest city of Salalah, and mountain tribes.

Independence Movements

Beginning in 1954, on the occasion of the death of Imam Muhammad Al-Khalili, the long-serving Ibadhi Imam, and his replacement by Imam Ghalib Al-Hinna’i, a major rebellion occurred in Inner Oman. Certain that there were substantial deposits of oil beneath or near their territories, the uprising’s leaders were quick to announce that they had launched a national independence movement.

In time, the Imamate's followers would hoist a distinctive flag in Inner Oman and wherever else they were able to do so. Those who supported the movement's objectives were entitled to carry Omani passports authorized by the new Imam's official representatives. Until well into the 1960s and until more than a year after Sultan Qaboos came to power, such passports were recognized by numerous Arab countries, and the Imamate had offices in Baghdad, Cairo, Damascus, and elsewhere.

Despite being eventually recognized by most of the then independent Arab countries as the rightful sovereign government of the country, the movement's armed insurgents were crushed militarily by forces loyal to the Sultan of Oman, and its leaders exiled before the 1960s.

In an effort to understand Oman's elections and electoral system, it should be clear that one will not go very far if one fails to take into account what this independence movement represented. If nothing else, it is a story of how close the country came to being rent asunder at a strategic point in history barely half a century ago. As such, it is essential to keep in mind that it is only in relatively recent times that this particular part of Oman has been effectively re-integrated into and interconnected with the rest of the sultanate.

Dhufar is essential to a further understanding of the multifaceted challenges confronting any Omani government in yet another way. From June 1965 until 1975, this region was the scene of twentieth century Arabia's longest civil insurrection.

The rebellion began as a separatist movement. In the beginning, the guerrilla leaders sought to carve out an autonomous, if not fully independent, country out of the one in which they were situated. The movement's political orientation moved away from separatism and towards the establishment of a Marxist-Leninist state not long after South Yemen gained independence from British rule in 1967.

The Dhufar movement too was eventually put down by the Sultan, but as the earlier uprising in Inner Oman, it is important for those examining political development in Oman to realize just how recently territorial unity was forged in the country.

The Ruling Family

Sultan Qaboos is the thirteenth in succession of a long line of Al Bu Sa'id rulers stretching back to 1733. As with every ruling household with a lengthy pedigree, Oman's dynasty has collateral branches whose members are not ordinarily considered either to be in line or even remotely as possible candidates for the ruler ship.

Since the ruling family's inception, all of the country's leaders that have become sultans in the intervening two and a half centuries have been elected by their fellow members of the Al Bu Sa'id. Within the family, senior members other than the Sultan himself are looked to for counsel and leadership when and where necessary.

Even today, the family has its structure of leaders and followers ranked in order of standing for matters pertaining to status vis-à-vis one another and standing in the eyes of the Omani people. For these purposes, the two most important members for quite some time have been Sayyid Shabib bin Taimur Al Bu Sa'id and Sayyid Fahd Al Mahmoud Al Bu Sa'id.

Sultan Qabus and Modernization

A palace *coup d'état* in 1970 saw Qabus bin Sa'id replace his father as Sultan, or ruler of the country. Unlike his father, who was determined to keep the country as closed and traditional as possible, Sultan Qabus immediately announced his intention of developing Oman as quickly as possible. Since then, Oman has made extraordinary strides in socioeconomic development but remains heavily dependent on oil income, supplemented by exports of liquefied natural gas and tourism.

Tribes

Among the more important of the country's quintessential political units allied to the Sultan are numerous tribes and their leaders. In earlier eras, each of the larger and historically more powerful tribes existed for many years as de facto mini-states in a status that was more or less autonomous from the government. For centuries, each tribe was governed by a paramount *shaykh* in close consultation with the tribal members' elders.

In terms of his position and role vis-à-vis the tribal leaders, the Sultan's status has been one of *primes inter pares*, or first among equals. His legitimacy, as with that of his predecessors, derives from and rests substantially upon his willingness and ability to consult with these leaders regularly and effectively.

Operationally, the Sultan's rule over the tribes aligned to him until 1970 was exercised in close association with his representative in the country's capital. This individual, himself a powerful leader, was respected by the tribal *shaykhs* as someone who functioned with and through intermediaries acceptable to the Sultan and acted in liaison roles on behalf of the tribes and the government alike.

A Progressively Lessened Status and Role

Eroding the political independence and national influence of all Omani tribes has been the steady encroachment on the loyalties and allegiances of their members in the course of the establishment of central government offices and representatives inside the tribal areas. These representatives are tasked with

administering such social services as education, health care, road construction and maintenance, sewage, water, and transportation as well as telecommunications systems.

Simultaneous to the clipping of the political wings of the tribes and their leaders by the new development and administrative realities introduced at the local and provincial levels, something else has happened. As a result of integrating all the country's social groups into a more interconnected whole, the position and role of tribal leaders in national matters, and the previous outsized influence of the few tribes near the borders that were involved in matters outside the country, has also waned.

Even so, the tribes retain a substantial amount of influence, not all of which is symbolic. Indeed, in terms of national governance and politics, they constitute at one and the same time sizeable electorates and constituencies.

The tribes do so by virtue of the fact that they constitute the largest number of societal organizations in which Omanis count themselves members. They do so also because for many Omanis, their ancestral tribal affiliation is in their mind a core element of their historical and modern identity.

2. Political Context

Since his assumption of power in 1970, Sultan Qabus has retained full power – both political and legal – in his own hands. He has served as his own Prime Minister since the early 1970s. Although Oman is a hereditary monarchy, the Sultan has not designated an heir, preferring to leave it to the ruling family to decide – or to a Defense Council if necessary. Security is provided by the Sultan's Armed Forces, with separate services for army, air force, and navy. The Royal Guard of Oman is of brigade size. The Royal Oman Police is responsible for criminal investigation, traffic supervision, fire services, coast guard, and immigration and customs.

Each ministry is run independently of the others and ministers are answerable only to the Sultan. Local government consists of a *wali* or representative of the central government in each town, who reports to the Ministry of the Interior. (It should be noted that the Ministry of the Interior in Oman is different from ministries in most Arab states. The Ministry in Oman does not handle domestic security, intelligence, policing, or other similar functions as is the case elsewhere. The Omani ministry's role is largely to supervise the *walis*, to deal with border disputes, and to organize elections to the Majlis al-Shura.) Larger towns and villages also have municipalities.

Administrative districts, *wilayaat* (sin. *wilayah*), are grouped into regions (*mintaqaat*, sin. *mintaqah*) but the regions have no separate administrative significance. Muscat, the southern region of Dhufar, and the small enclave of

Musandam at the entrance to the Gulf are each a governorate (*muhafidhah*), equivalent to a province, headed by an appointed governor (*muhafidh*). The judicial system is regarded as independent but is situated within the Ministry of Justice.

While the political rights of Omani citizens are in effect severely limited, they do enjoy considerable freedom from arbitrary arrest, search, and harassment. Minorities receive equal treatment under the law and women are relatively freer and participate more in the economy and social life than in neighboring countries. Public criticism of the government and especially of the Sultan is not tolerated.

A Tradition of Consultation in the Decision Making Process

Omanis involved in matters of governance often make a point of emphasizing to outsiders that they are hardly strangers to electoral politics and processes. Many Omanis like to claim, with history to back them up, that they have not only participated in the selection of their leaders since time immemorial, but that they have done so for many centuries longer than their Western counterparts.

In Oman, as elsewhere in Arabia, matters of governance in general, and of popular participation, leadership and representation in particular, are deeply rooted in the tribal and Islamic norms of consultation (*shura*) and consensus that have been practiced for more than a thousand years.

Indeed, as recently as sixteen years prior to Sultan Qaboos' accession to the rulership, it was the result of an important election in the Ibadhi stronghold of Nizwa in Inner Oman – the choice of Ghalib Al-Hinai'i to succeed Imam Muhammad Khalili, who had died -- that threatened to break Oman officially into two different countries.

It is important to note that participation in this traditional process of consultation and consensus was limited to an elite few including *shaykhs* and other influential male notables.

3. Electoral Context (past elections)

Despite Oman's long history of consultation and consensus, there were no formal representative bodies before the 1980s. The Sultan was accessible to the average citizen only through his annual "Meet the People" tour, which is confined to a single different region for several weeks each year. However, these tours are heavily staged for reporting by the media and for viewing on television. It is difficult to see ministers and Oman has no system of *majlis*, or open house where senior officials and members of the ruling family meet ordinary people and accept petitions, as exists in Saudi Arabia and other neighboring countries.

Municipalities were created in mid-1970s and municipal councils supervise local functions such as keeping the municipality clean, issuing building permits, supervising local markets, and maintaining electricity and lights. The councils are not elected. Political parties and labor unions are not permitted.

The State Consultative Council, or Majlis al-Istishari lil-Dawlah, was created in 1980, originally with 43 appointed members. The number was subsequently raised to 55, which included a dozen *ex officio* government representatives. The Consultative Council's powers were limited to reviewing legislation and activities related to the social service ministries and most of its work was conducted in committee, rather than plenary sessions. Some contended that the chairs of the various committees did most of the work, in part due to a low level of competence of its members. Defense, domestic security, finance, foreign affairs, and justice were excluded from its purview.

In 1991, the State Consultative Council was disbanded and the Majlis al-Shura, or Consultative Council, was created to replace it. Government statements at the time declared that, as per its name, the older council was meant to be an advisory body functioning to give advice to the government when asked. The new body, the government announced, would be a council of and for the people, as indicated by the name *shura*, derived from a Qur'anic injunction that the Muslims should be consulted in the conduct of state affairs.

In this context, a restricted system of elections was instituted, whereby an electorate selected by the government from *shaykhs* and notables in each *wilayah* (town or district) chose the top three candidates from a list. The government then selected one representative for the *wilayah* from the list of three. Government control over the resultant council was further strengthened by the simultaneous creation of additional *wilayaat* in the sparsely populated and presumably highly conservative central region of the country. This resulted in a total of 59 *wilayaat* and thus 59 members of the council. In the second round of elections that were held in this manner, the Sultan broke new ground within the GCC region by appointing women to the council. Subsequent elections saw a progressive lessening of government interference in the process and expansion of the electorate.

The council's remit includes reviewing draft laws and current laws for possible amendment, reviewing and providing commentary on draft five-year development plans and the annual budgets, making suggestions to the government on issues related to social services and public utilities, and questioning ministers, both in writing and in televised general sessions. Matters of defense and foreign affairs do not fall within the competence of the

council. Like the earlier State Consultative Council, the Majlis al-Shura continues to carry out much of its work in committee. The term of Majlis al-Shura was originally three years, but later extended to four years by royal decree 74/2003. The 2003 decree also eliminated term limits for members.

In part, the functions of the Majlis al-Shura are restricted by boundaries set by rank and tradition. Criticism of ministers is muted and is considered criticism of the Sultan, since he is both head of government and head of state. It is thought that the appointment of a separate Prime Minister would have the advantage of deflecting criticism from the Sultan. This would create a buffer between the Majlis and the Sultan, shielding the Sultan from criticism directed at the government, and thereby encourage Majlis members to be more inquisitive and critical in their review of proposed legislation and government practices and policies.

In 1997, Sultan Qabus announced the creation of another body, the State Council or Majlis al-Dawlah. All members are appointed and the council seems to be intended to serve as an upper body, such as a senate or House of Lords. The ranks of the State Council were officially to be drawn from former ministers and under-secretaries, former ambassadors, former senior judges, retired senior military officers, and "People of competence and expertise in the fields of science, literature, and culture, in addition to academicians of university colleges and institutes of higher education." (Royal decree 86/97, 16 Dec. 1997, Ch. 2, Art. 12.)

Like the Majlis al-Shura, membership in the State Council is for four years. In subsequent terms, many members were re-appointed and the numbers of members increased. The responsibilities of the State Council include the study of such subjects as development plans, economic investment and resources, human resources, as well as review of draft laws. As a rule, the State Council meets only at the opening and closing of Majlis al-Shura sessions and it is said to function only minimally.

At the same time, an over-arching institution, the Oman Council or Majlis Oman, was created to consist of the Consultative Council and the State Council meeting together at the beginning of each term or when the Sultan calls a session.

4. Medium-Term Prospects

The Sultanate of Oman has been liberalizing slowly but gradually over the past 35 years. At present, nearly all authority derives from the Sultan. Although he serves as his own Prime Minister, there is little coordination between ministries and only a miniscule Council of Ministers organization. Individual projects as well as five-year development plans tend to evolve

from negotiation between ministries with final decisions made by the Sultan. The Majlis al-Shura holds considerable promise in not only providing greater public participation in the decision-making process but also in shaping a more rational and objective framework for the decision-making process.

The Majlis has no constitutional role in the succession issue to the throne but as it gains legitimacy in public eyes, its affirmatory role may be useful in assuring a smooth succession. This role may be exercised in at least two ways. First, the Majlis can provide a formal context for the *bay'ah*, the traditional act of swearing allegiance to new rulers. Second, it might be tasked in the future with formal approval of the Sultan's choice of an heir apparent, as is the duty of the National Assembly in Kuwait.

Given the relative absence of ideological divisions in Oman today, it is unlikely that there will be any sustained demand for the formation of political parties in the foreseeable future. Some Omanis argue that political parties are not essential for enabling those of voting age to take the measure of those who declare their candidacies for political office. This view applies in particular to some of the country's more geographically remote rural areas. This is likely to remain true as long as candidates for the Majlis al-Shura focus exclusively on local issues and complaints.

Nevertheless, as the Majlis al-Shura gains confidence in its role and abilities, alliances and coalitions, whether temporary or permanent, may well develop among members. On the positive side, these may well embody such general principles as promoting the interests of the less privileged, or they may appear in response to specific policies or directions proposed by the government. They may also be effective in promoting concerted and coordinated action by a group of people who are committed to achieving results on a particular topic or in a particular policy area. On the negative side, however, such alliances may coalesce along tribal, supratribal, or regional lines with the aim of advancing or protecting narrow tribal or regional interests.

The transformation of members' interests and outlooks from purely local issues to more national ones is likely to reduce negative developments and enhance positive ones. This process of transformation may well be accelerated as the Majlis gains both confidence in its authority and finds its authority extended to areas heretofore reserved to the government. In other words, more and broader authority is likely to increase the sense of gravitas of the Majlis and thus its contribution to the nation. It is the opinion of several interlocutors with access to the ruling family with whom the assessment team met that the expansion of the Majlis' authority is on the political agenda for the near future.

The future direction of the Majlis al-Dawlah is unclear. Its composition of retired elders of the government gives it the appearance of constituting a balance to the Majlis al-Shura, should the latter body become too liberal or activist for the government's taste. The formulation of the Majlis al-Dawlah as a fail-safe mechanism is not unique to Oman: the formation of the new Parliament in Bahrain consists of a similarly constituted elected lower house and appointed upper house. But the relatively moribund nature of the Majlis al-Dawlah suggests that it will either wither away as the Majlis al-Shura continues to prove itself, or that it will require expansion in terms of membership – greater representation from the larger national community without any direct ties to the government, or representation on a broader regional basis compared to the electoral unit of local *wilayahs* in the Majlis al-Shura, and/or the wider inclusion of prominent citizens of all ages – and its functions could parallel the scope of activities of the Majlis al-Shura.

SECTION IV: INSTITUTIONAL FRAMEWORK FOR THE ELECTIONS

1. Legal Framework

Constitutional Issues

The Basic Law, issued on 6 November 1996, serves in effect as Oman's constitution. It specifies that the leadership of Oman should be vested in a hereditary Sultan in the line of Sultan Turki b. Sa'id b. Sultan (Art. 5).

Governance is to be based on justice, *shura* (consultation), and equality, and citizens have the right to participate in general affairs (Art. 9). Citizens are guaranteed the rights to economic participation and the protection of private property, social security assistance, health care, fair employment, and publicly provided education. (Arts. 11, 12, and 13). The Basic Law also declares that all citizens are equal before the law and that personal freedoms are guaranteed, including the right to a speedy trial, religious freedom, freedom of opinion and the media, freedom of assembly. The same rights outlined above are also accorded to foreigners (Arts. 15-40).

Legislative and representative bodies are not mentioned in the Basic Law, except where it is ordained that the Council of Oman shall comprise the Majlis al-Shura and the State Council (Art. 58).

Legislative and Regulatory Issues

Electoral Law

The first Majlis al-Shura was established by royal decree 94/91, which provided for indirect election of its 59 members. An electorate selected by the government from *shaykhs* and notables in each *wilayah*, amounting to only several hundred voters throughout the country, voted for candidates from a

list; the government in turn selected a member for each *wilayah* from among the top three elected candidates. The term of service was set at three years. The decree stipulated that the council was to review drafts of economic and social legislation forwarded from the relevant ministries; to provide opinion and proposals on policies presented to it by the government; to participate in the preparation of development plans; to determine the necessary requirements of the regions; to participate in efforts to conserve the environment; and to give its opinion on other subjects as determined by the Sultan. Social service ministries were to submit annual statements on the achievements and plans of their ministries. Accompanying decrees named the 59 members of the council, appointed its president, outlined its internal regulations, and set the members' salaries.

Changes introduced in 1994 included allowing women in the Governorate of Muscat to vote and to stand for election. Two women were appointed members of the council in 1994 out of the four nominated by voters. In addition, the chamber's size was increased from 59 to 80 members.

Royal decree 86/97 of 16 December 1997, as amended by royal decree 35/2000, set out the revised principles of election to the Majlis. To redress the widespread complaint that the rural *wilayaat* had too many representatives in proportion to their population, it was decreed that each *wilayah* with more than 30,000 residents was entitled to two representatives while each *wilayah* with less than 30,000 residents elected only a single representative. Candidates for election were to be of Omani nationality by origin, at least 30 years old, not have a criminal record, and "To be of reasonable level of culture, and to possess reasonable working experience." (Arts. 21 and 22)

Because of population growth in several *wilayaat*, the total membership was increased to 82. The franchise was also widened to at least 3000, compared to the several hundred before that, although it was also reported that the total number otherwise eligible to vote was 51,000. The electorate voted for a shortlist of four choices, of which one or two members (depending on the size of the *wilayah*) were chosen for membership by the government. The two women appointed in 1994 were elected in 1997. The Sultan retained the right to accept or reject candidates but promised to relinquish that right eventually.

The 2000 elections saw an expansion of the electorate to one-quarter of all Omani adults over the age of 21, or a total of about 175,000. [NOTE: IFES has not yet had access to the Ministry of Interior by-laws governing elections during 1997 and 2000. This report will be updated to include additional information on voter eligibility, the process of member election/selection, and term limits once those by-laws have been reviewed.]

The progressive liberalization of elections continued to 2003 when all adult Omanis were permitted to vote and run for election. The membership of the

Majlis al-Shura was increased to 83. Royal Decree No. 74/2003 introduced changes to the Majlis system. The decree increased the council's session to four years instead of the previous three. It also allowed re-election for an unlimited number of terms, introduced a system consisting of an annual session that extends for at least eight months, and expanded the council's authorities in the revision of draft laws. Furthermore, it required the government to refer to the Majlis before adopting development plans or a state general budget. A further amendment was made by Royal Decree No. 71/2004, which specified that the government must refer general budget drafts to the Majlis before being endorsed so that the Majlis may express its views on them.

Many interlocutors expressed the view that the progressive liberalization of elections in Oman has kept pace with the growing levels of political awareness among Omanis. As such, most interlocutors are confident that the electoral system will continue to develop alongside public awareness.

The election law for the 2003 elections was a ministerial decree issued by the Minister of the Interior, decree no. 26/2003, supplemented by decree no. 121/2003. As in previous elections, it specifies that voters must be 21 or over (Art. 2) and that members of the security services are not eligible to vote (Art. 4). The Ministry of the Interior maintains electoral lists for each *wilayah* (Art. 6). Candidates must be 30 years old and residents of the *wilayah* in which they are candidates (Art. 10). There were other minor changes in the electoral law issued right up to the election itself, and a follow-up committee prepares a post-election assessment.

Political Party Law

Political parties are not permitted. The prohibition on political parties is not generally seen as an impediment to electoral functioning as it is widely believed that parties would only encourage tribal divisions. There is little ideological content to Omani politics at present.

Civil Society Law

A law regulating clubs and associations was issued on 1 January 1972 but royal decree no. 14/2000 of 13 February 2000 cancelled that law and promulgated the Law of National Associations. By its terms, national associations or NGOs are to consist of organizations doing work with orphans, children and women, women's services, care of the old, disabled, and special groups, or other purposes according to the discretion of the Minister of Social Development. No association is permitted to operate in more than one sphere without special permission (Art. 4). Most of the NGOs are very new and a number have yet to be approved.

Media Law

The media are weak and directly controlled or supervised by the government. Television and radio operate under a government monopoly. One of the two daily newspapers is also government owned. There is only one privately owned newspaper and few privately owned magazines. The press law requires government permission to establish written media and to take up the occupation of journalist. It also authorizes the government to censor all domestic and imported publications.

Administrative Regulations

Art. 29 gives the Minister of the Interior the power to issue a decree for computerized voting or counting. It appears this may have been done in relation to the use of scanning technology for counting votes in 2003, although the assessment team has not yet seen a copy of this decree. [IFES is researching this issue and will include additional information in the final draft of this document.]

Conclusions and Recommendations

- Many Omanis see the current election by-law as confusing and frequently changing. This was illustrated by the multiple interpretations of the law given by the individuals interviewed by the assessment team. Many also commented that there should be a proper election law rather than a by-law issued by the decree of the Minister of the Interior. IFES recommends that the existing by-law be reviewed by the Majlis or by an independent body appointed for the purpose. The review should be undertaken with broad public input. A new law (rather than a by-law) should be enacted far enough in advance of the next election that both candidates and voters have no doubts about its provisions.
- In keeping with the widening of the franchise and the increasing authority of the directly-elected Majlis, it is appropriate that regulations that constrain the role of the various types of media should also be reviewed to allow the media to play a more meaningful role in publicizing information regarding the election process and the work of representative bodies.
- Similarly, it is also timely for the regulations governing civil society institutions to be reviewed and the formation of new organizations with broader interests could be encouraged. The expansion of such institutions is likely to enhance national cohesion along functional lines and thus reduce the pull of tribal and regional affiliations.

2. Electoral Management Body

Central Election Commission

The election law requires the Minister of the Interior to appoint a Main Committee for elections, which is chaired by the Deputy Minister and is based in the Ministry. The membership of the Main Committee draws on technical expertise within the government, academics, a representative of the

Ministry of Information, an under-secretary from the Ministry of Justice, and the president of the High Court. Article 21 of the law specifies the Main Committee's functions as follows:

- supervising and monitoring the performance of the election committees;
- deciding the issues raised by the election committees;
- approving the candidates and voters lists for all districts (*wilayaat*);
- deciding all contests against the decisions of the election committees and amending the lists accordingly;
- specifying the appropriate procedures and means that allow the voters to cast their votes easily;
- resolving complaints presented to it regarding the validity of voting results;
- and submitting the election results for all districts (*wilayaat*) to the Minister as a preliminary step before the results are announced.

The Ministry does all election planning. A new Main Committee is formed for each election, although there may be some continuity of membership. Members of the committee are appointed by the Sultan. Electoral laws are subject to evaluation and change after each election by the Committee in consultation with the Ministry of Legal Affairs.

Although the Main Committee's functions are set out in a by-law, the law changes before each election and sometimes in-between. The law is not seen as being very clear.

There is no independent election authority, although one was suggested by many of those interviewed by the assessment team, including those known to be aware of the thinking of key decision makers, in order to prevent misconduct, to improve transparency, and to limit perceptions of undue influence by the government on the electoral process. The organization of local voting procedures through the *walis'* offices also raises the possibility of interference, both by the central government and individual *walis* attempting to secure victory for favored candidates.

Election Administration

Elections are supervised by the Ministry of the Interior, which maintains a voter record in the Ministry containing the number of voters and the details of each eligible voter.

Election committees are formed in each of the 59 *wilayaat*; committee members must not be from the *wilayah* to which they are assigned and they receive training in workshops in Muscat. They consist of the *wali* as chairman, the deputy *wali*, the local judge, and two other heads of government agencies in the *wilayah*.

The *wali*, as the chairman of the election committee, then appoints three sub-committees for election preparations, voting, and vote counting. Each sub-committee is chaired by a member of the election committee, with the law requiring the counting sub-committee to be chaired by the judge who is a member of the election committee. The Main Committee decides the number of members of the sub-committees according to the population of the *wilayah*. The law does not specify the qualifications to be a member of a sub-committee and they appear to be appointed from local people.

The assessment team was informed of some problems with the election sub-committees since the qualifications of members may not have been taken into careful consideration during selection and it is possible for sub-committee members to have a personal or tribal relationship with candidates.

Election Disputes Mechanisms/Bodies

A judicial committee comprised of the under-secretary of the Ministry of Justice and two vice-presidents of the High Court carried out supervision of the conduct of the 2003 elections. Of nearly 50 complaints received during the elections, 30 were rejected because they were not made during the specific period of time or the complainant was not a nominee of his *wilayah*. Eighteen complaints were formally accepted but rejected after being found to be unsubstantiated. Two complaints were, however, considered because they met the legal requirements and the complainants were to receive written replies. The assessment team was unable to get details of the topics of the complaints and the results of the two that were considered.

Some interviewees said, however, that this committee is not a court and thus normal court processes are not used. They considered the courts are the proper place for serious disputes to be decided.

The Electoral Law specifies that in case of a tie, the winner will be drawn from a lot determined by the elections committee in the presence of the candidates (Art. 32). In the case of a dispute, anyone has the right to contest the election results before the Main Committee within five days after the announcement of results. After due consideration, the Committee's decision is considered final once it is approved by the Minister of the Interior (Art. 34).

Conclusions

A number of those interviewed felt that election planning is relatively haphazard and only takes place during the run-up to elections. The election law is seen as weak and there is a need for an independent election management board with proper legal supervision. At present, there is only a judicial committee to oversee the electoral process and apparently it was established only after complaints were raised.

Apart from the chairmen, at present all of the members of the district election sub-committees are currently from the *wilayah* in which the committee is located. As such, members of sub-committees in districts where one tribe is dominant over all the others may be tempted to use their access to privileged information to unfair advantage on the part of some candidates, for example their fellow tribal members, but not others.

Recommendation

- A separate election management body should be appointed by the Sultan, located outside the Ministry of the Interior, with the rank and status of an independent commission. Its membership should include judges and independent non-governmental persons with relevant experience in administration and education. It should have a permanent staff and a broad range of functions, including planning and conducting elections and declaring the results; receiving and approving nominations of candidates; maintaining the registers of voters; devising and implementing civic and voter education and information programs; and reviewing the election law after each election. It should be able to obtain the advice of staff in the relevant government bodies such as the Ministry of the Interior and the Ministry of Information. This Commission would also be responsible for the appointment and training of the local election committees to standards that ensure a free and fair electoral process. Having heard this recommendation echoed a number of times by interlocutors, some of whom are known to be familiar with the thinking of key decision makers, IFES believes there is likely significant support among opinion leaders to pursue the establishment of an independent election management body.

3. Systems of Representation

Electoral Systems Models

Oman is a hereditary monarchy with the Sultan serving as his own prime minister. The only elections are for the Majlis al-Shura (Consultative Council). The Majlis al-Shura elections are carried out on the basis of each *wilayah* or district electing one member of the Majlis if the total population of the *wilayah* is less than 30,000, or two members if the population is greater than 30,000. At the 2003 election, 35 *wilayaat* elected 1 member and 24 elected 2 members. The voter can cast only one vote even in *wilayaat* returning two members. The candidates with the most votes in each *wilayah* are declared elected.

Legislative Elections

Elections for the Majlis al-Shura were held every three years up to 2003 but will take place every four years in the future.

Municipal/Local Elections

Municipal councils are entirely appointed and there are no local elections. It is not known whether elections will be instituted in the future but there is considerable speculation among some interviewees with access to decision makers that municipal council elections will take place before the next Majlis al-Shura election (2007).

Conclusions

Since candidates represent only their own *wilayah*, their programs and interests tend to focus on local issues, such as roads and schools. This translates into a Majlis composed largely of members who wish to discuss only these local issues and who have less interest, and sometimes little understanding, of broader national issues. The current restrictions on the areas of authority of the Majlis also limit the breadth of vision of its members.

These factors contribute to voter apathy regarding the Majlis since it is seen as having little authority and little impact on the country as whole. The low level of competence of many of its members, due perhaps in part to votes cast on the basis of tribal affiliation rather than candidate qualifications, is frequently cited as a related problem. The appearances of social services ministers before the council frequently provoke questions of a purely local nature. During the assessment team's visit, there were numerous reports about how, until the present time, the heads of various ministries tend to affect an unbecoming manner of superiority and air of condescension towards Majlis members when called to appear before them. These sessions, apart from the formal openings, are the only televised events of the Majlis. In fact, most work is conducted in committees, rather than plenary session. Since only plenary sessions are televised, this has a negative impact on popular perceptions of the role of the Majlis and the activities of its members. A change whereby the President of the Majlis would be elected by its members rather than appointed by the Sultan is seen as a necessary step to boost its image and authority. While the powers of the Majlis have steadily increased, the Majlis is far from being a legislative parliament. At present, as one interlocutor noted, it often seems little more than a municipal council writ large.

Recommendations

The capacity of Majlis al-Shura members needs to be strengthened and public and government perceptions of members need to be elevated. Some ways of doing so are recommended below:

- Introduce stricter educational and literacy qualifications for candidates in order to produce a more competent Majlis with members more able and dedicated to researching, discussing, and articulating pressing issues of the day. Among other statutory requirements, a candidate for the Majlis

must be at least 30 years of age, and it has also been suggested that there should be a maximum age limit.

- Provide short training or introductory course for new members, consisting of basic elements of parliamentary procedure, familiarization with the organization and work of the Majlis, an overview of relevant policies and issues, and how to read and evaluate legislative proposals, reports and financial statements. Such a course might rely upon both expatriate experts and government officials, as is done by the Foreign Ministry's Diplomatic Institute. The assessment team's understands that the International Republican Institute has been conducting training for members of the Majlis for some years.
- Ensure members of the Majlis al-Shura's have access to the information they need on important social topics and on the implementation of legislation and government policies. According to one of its members, the Majlis' library is more akin to a store with inanimate goods on the shelves that no one ever uses. It should be a facility adequately staffed with research assistants who are able and willing to assist the members in conducting studies on topics of interest to their committees or their constituents.
- The previous point is part of a broader need to continue the development of a professional and well-trained secretariat for the Majlis that is able to advise and assist the council, its committees and the members to carry out their functions.
- Consider authorizing a committee in the Majlis al-Shura, or in some other institution associated with the Majlis, to study and report on matters related to the country's defense and foreign affairs. In light of the various sensitivities that relate to this topic, such a committee could be introduced to such topics gradually and to a limited degree in the beginning and not in open session.

4. Electoral Environment

Candidates and Parties

State of Political Parties

No political parties are allowed and the electoral system in Oman is too recent for the formation of alliances or blocs as quasi-parties, as has happened in Kuwait and Bahrain.

One reason given for the prohibition on political parties is that they are seen as inherently divisive and are thought to detract from national unity. Another reason is that the lack of experience in forming and administering parties in Oman raises the possibility of foreign influence in the electoral process. In addition, it is sometimes argued that Oman's population is still small and that often everyone in an electoral district, apart from that of the capital area, already knows the candidates personally and therefore there is no need of

parties to evaluate and choose between candidates. Furthermore, the case was made by at least one interviewee that the experiences of nearby countries such as Yemen, India, and Pakistan with political parties has been less than successful in achieving the degree of domestic peace and stability that has characterized Oman since 1970.

Candidates and Registration

Article 10 of the election by-law says that Omanis have the right to be a candidate for the Majlis provided they are at least 30 years old, are a 'citizen' or resident of the *wilayah* where they are nominated, and have 'an adequate level of education with a sufficient and appropriate practical experience'. Article 11 sets forth a number of restrictions on that right, including undischarged bankruptcy, detention following a court order, those restricted as a result of mental diseases, and 'anyone convicted of criminal acts or crimes in breach of honor or good conduct, if his or her name is not yet cleared'. Security, military, and police personnel cannot run for office until two years have passed after their time of service (Art. 12).

Candidates nominate themselves by application to the Minister of the Interior (i.e. to the office of the local *wali*) either in person or by a representative. The fact that applications had to be submitted during the summer before the 2003 elections is seen by interviewees as an impediment since many people travel during this time. No endorsements from voters are required.

Nominations are passed to the election committee in the *wilayah*, which sends the list and its opinion to the Main Committee for review and approval. It has been alleged that security investigations are carried out on candidates, even though this is not part of the election law, and this procedure can lead to the rejection of candidature without any reason being given. A list of candidates is posted at the office of the *wali*. There is then a five day period for objections to be raised against individual candidates, initially with the election committee, with the right of appeal to the Main Committee for a final decision. In fact, very few complaints are lodged.

An earlier regulation that members may serve only two terms has been changed; there are no longer term limits. A disincentive to standing for election is the requirement that government employees must resign their positions if elected and there is no guarantee that they will receive new positions once they leave the Majlis. The low remuneration of members of the Majlis is thought to discourage many candidates and some stakeholders felt that the Council does not consist of the best people for the job, including many educated and experienced people and intellectuals. Others are reportedly discouraged from participating because the Majlis does not exercise much authority and the rank of members vis-à-vis government notables is low.

Campaigning

Although it is not expressly prohibited by the election law, candidates are not allowed to publish platforms in the media or to advertise, allegedly because this would not be fair to candidates with fewer resources and to candidates who are not competent in articulating their programs. Another reason given for restrictions on campaigning is to minimize tribal issues. The Ministry of Information must approve candidates' leaflets and they are not permitted to hold public meetings to express themselves freely. This restricts dialogue between candidates and voters.

One observer opined that voters fall into three categories: (1) intellectuals who base their vote on the candidate's qualifications and program; (2) the majority of voters who vote according to tribal affiliations; and (3) the poor whose votes were bought by candidates (about 10% of the voting population).

The Ministry of the Interior acknowledges that there have been rumors of vote buying but claims it has no evidence.

The most effective campaigning tactic was reported to have been gaining the support of a *shaykh*; it was said that this can deliver half the votes of a tribe. Candidates frequently expect to be supported by the *shaykhs* (heads) of their tribes and fellow tribesmen. It has been alleged that *shaykhs*, in conjunction with *walis*, have persuaded or forced the members of their tribes to vote for preferred candidates. In return, members of a tribe expect to receive special consideration in local and personal matters from their representative, just as they expect the same from senior and mid-level civil servants from their tribe or region. It is also held that when a candidate is running for election in a district where relatives or fellow tribesmen occupy key positions within the *wali's* office or the election subcommittees, there is an almost irresistible temptation for them to pass on privileged information regarding voter registration levels and likely levels of voter turnout.

Code of Conduct

There is no specific code of conduct for candidates, apart from the stipulations restricting candidacy mentioned earlier. Article 36 of the election law does state the punishments for crimes relating to the electoral process, but these are general in their application (including committing 'any act that might affect the electoral process') and do not relate only to candidates.

In fact, judging from the team's discussions with a range of interviewees, it is IFES' assessment that a code of conduct for candidates may be superfluous at this time. Omanis take great pride in holding fast to their traditional values whilst adapting past customs and practices to the requirements of modernity. In day-to-day life, this means that substantial importance continues to be

attached to the norms of civility and good manners in matters relating to public decorum, personal behavior, and respect for the needs, concerns, and rights of others. Moderation and graciousness in manners, speech, dress, and overall conduct are not only among the hallmarks of behavior expected of one's fellow citizens in Oman but are expected to be manifested by civil servants and candidates for public office in particular. In addition, anyone who seeks to cast themselves in the role of serving others should also display the attributes of generosity and hospitality, and a naturally manifested absence of arrogance and self-centeredness. Of particular importance in Oman are a candidate's past and present efforts to practice and fulfill the requirements of Islam.

Over and beyond these considerations, and in keeping with the peoples of other traditional societies whose values are likewise grounded in the Islamic faith, the norms of Omani society tend to be conflict-averse. More specifically, with regard to personal and public behavior in general, a premium is placed on non-violence and the manifestation of tolerance and respect for the views of others.

Some interlocutors said that these aspects of Omani culture mean that there would be little to fear if candidates were allowed more freedom to increase the opportunities for dialogue with voters, for example through being permitted the limited use of low-cost campaign materials such as distributing leaflets and putting up election posters in designated areas.

Political Finance

There is no public campaign finance funding and candidates must personally fund their campaigns. It is not clear how much a campaign costs but it has been alleged that some candidates spend as much as OMR 20,000 (c. \$50,000). The purchase by candidates of advertising space in the media is forbidden, on the reasoning that it could constitute an unfair disadvantage to those candidates who are worthy but lack adequate material means to advertise themselves.

Interviewees informed IFES that some candidates provided transportation to polling places and lunch for voters, thus increasing the sense of obligation on behalf of benefiting voters towards those candidates.

The assessment team received no reports of the improper use of government resources in election campaigns.

Support to Political Parties

Political parties are not permitted in Oman.

Civil Society

While some institutions of civil society exist, such as the Chamber of Commerce and Industry, the Graduates' Society, the Oman Journalists' Association, and the Oman Engineers Association, Oman has developed only a few institutions and the government can be characterized as reluctant to accept more. There are some 30 women's organizations scattered throughout the country and these are supervised by a central office. In recent years, a handful of NGOs devoted to special education and social service needs have been established. To date, civil society consists mainly of weak institutions that must be licensed by the government, a process that is often difficult and lengthy. Existing institutions do not play a large part in elections because of basic unfamiliarity with their potential role, a mistrust of possible government interference, and government regulations banning "political" activity by NGOs.

Media

Broadcast media in Oman are a government monopoly. The print media include both government-run and privately owned organs. All media are characterized by a propensity for self-censorship. The tendency is to avoid publishing or writing about topics in a way that wittingly or unwittingly could be interpreted, or even misinterpreted, as containing either implicit or explicit criticism of any government department or minister. Thus, it is said, it is rare for what a reporter has written, when it appears in print, to bear anything near an exact resemblance to what was said by the sources interviewed for the article. According to media representatives, working rules are caution, an absence of boldness, and a general unwillingness to take responsibility for publishing anything on "sensitive" public issues.

Candidates make very little use of media, whether for financial reasons or the perceived inability of media to carry political advertising. The government prohibits paid election advertising and the Ministry of Information supervises the media's attention to elections.

Civic Education and Voter Information

Education and information about the electoral process can come in different forms and formats. A useful distinction is between 'civic education' and 'voter information'. Although they are connected, they are distinguished by having different (but overlapping) audiences, separate time frames, and a different scope of material.

The Main Committee conducted voter information programs in 2003, and its membership included a representative of the Ministry of Information to assist it to do so. The assessment team received many comments that the campaign did not penetrate deeply enough into Omani society, particularly in rural areas, and was seen as imposed from the outside rather than being conducted by those closer to the communities. IFES was told that television and radio

programs on the Majlis and the voting procedure for elections were not closely watched or listened to. Ministry of the Interior teams sent to the *wilayaat* to answer questions and encourage participation carried out most voter education, but this only reached a small proportion of the people.

As far as the media are concerned, their representatives believe they provided the maximum assistance allowed by law. In support of their claim, they were confident that they had duly informed the electorate of the importance of elections and voting, the date and places when and where the balloting would take place, and who the candidates would be. While newspapers published some interviews with candidates, both candidates and voters are aware of the need for self-censorship.

Similarly, government officials in the Ministry of Interior tasked with organizing, administering, and monitoring the election process and its results all believe that they were in full compliance with their instructions. Without exception, they insist that they did what they were asked and expected to do on time and in the way they were instructed both nationally and regionally. And they did this for all three of the country's governorates, the large regions, and all 59 of the *wilayaat*.

In contrast, the degree to which other centers of public life have thus far furthered knowledge and understanding of why it is important for the qualified citizens to register as voters and to cast their ballots is mixed. Overall, it seems that there is a greater effort in the urban areas to instill the civic values of participation in public affairs and a lesser degree of effort in the more remote rural and mountainous areas.

In the latter areas, literacy levels are generally lower, and the pull of traditional tribal and related values tends to be greater. In addition, the demands of the electorate in such places tend to be fewer in number and more basic in substance, centering, for example, on the need for more and better schools, clinics, roads, and transportation.

The assessment team received many comments that there is a real and pressing need for civic education programs in Oman. Given the focus of the team's visit, the most common view concerned the need to increase the public's awareness of the functions of the Majlis and its members. It is widely held that the citizenry have a poor image of the role of the Majlis al-Shura and of their elected representatives. There were also comments on the need for increased awareness relating to the other institutions of government. The Omanis with whom we met in this regard all acknowledged the importance of instilling in the country's leaders of tomorrow an early appreciation of the values and virtues of public service. School curricula appear to lack any coverage of voting or the Majlis al-Shura. The record is also mixed with regard to the nature and extent of civic education efforts in all areas that

would bring the candidates for election into greater contact with such groups as teachers and students. It is IFES' assessment, having heard calls from a range of stakeholders both in and outside the government for the inclusion of civic education in school curricula and the conduct civic education campaigns targeting the public at large, that there is sufficient political will to pursue a civic education agenda in Oman.

Disenfranchised Populations

There are no legally disenfranchised communities among Omani citizens. With some minor exceptions, all Omani citizens are eligible to vote and run for office. Success in election often depends on tribal connections; tribal alliances, particularly in the south, are known to have been made in order that favorite candidates are elected. This behavior may result in preventing the election of individuals from smaller social communities.

Women in the Governorate of Muscat were permitted to stand for election and vote from 1994 and two women were appointed members at that time out of the four nominated by voters. These two women were elected in 1997. The franchise and right to run for office was extended to women throughout the country in 1997, but cultural restraints have limited their success to the capital area. The Ministry of the Interior and the Ministry of Social Affairs, Labor and Vocational Training were active in encouraging women to stand as candidates in 2003.

Electoral Boundaries

Boundaries are coterminous with those of the 59 *wilayah*. The aggregation of *wilayahs* into regions has no effect on the electoral process. As many *wilayahs* in the countryside are relatively small in size and population, they may be dominated by one or two tribes. This provides a considerable advantage to candidates from a dominant tribe.

Election Security

Election security is entirely supervised by the government but there seem to be few allegations of cheating or intimidation. There were no violent incidents reported in 2003.

Conclusions

It is easy to become a candidate for elective office in Oman and the formal procedures seem to be adequate for the current level of electoral development. Prospective candidates need only provide the *wali* or other relevant *wilayah* or governorate representative proof of citizenship and evidence of their residence in the district in which they would like to offer their candidacy for election. It is, however, alleged that prospective candidates are subject to vetting by the government and may be rejected even if legally qualified. Indeed, the assessment team was told that incumbent members of the Majlis have had their candidacy applications rejected. If these

claims are true, they would amount to an unwarranted intrusion by the government into the electoral process.

Once deemed to be qualified and acceptable as a candidate, the individual's name is added to the list of other officially approved candidates. This list is then printed in the Official Gazette and other official publications as well as media disseminated in the *wilayah* where the candidate's campaign will be waged.

As a result of a culture emphasizing moderation and good manners, it is not surprising to note that instances of charges of electoral fraud – or anything remotely comparable to the kinds of complaints associated with elections and electoral systems in many other countries – have thus far been very few and inconsequential.

Some Omanis believe that the infusion of money into election campaigns, even if only in the form of printed or broadcast appeals to voters, would open the door to corruption. Not only the government's electoral officials argue against changing a situation where the outcome of an election could be skewed in favor of the interests of those who contributed substantial sums of money; many candidates, elected representatives, and voters as well, are of the same view. On the other hand, it is alleged that money does have a role in election campaigns, for example, through candidates providing banquets, benefits to tribes, and transport to the polls on election day.

Some election officials have expressed the additional view that candidates who are able to spend a lot of money in support of their campaigns may feel less inclined to work very hard in meeting face to face with their would-be constituents. There is also agreement among many Omanis in and out of the government that there is greater value by far in ensuring that there is a maximum opportunity for candidates to meet with their prospective supporters face to face, and vice versa. Defenders of the present system argue that one of its strongest points is that it is practically guaranteed to induce a greater degree of candidate responsiveness to citizen needs.

Disappointing voter turn-out may be the result of the low level of interest in and knowledge of the workings of the Majlis al-Shura, as well as inconveniences in the actually voting process (time of year, day of the week, distances to be traveled). Another factor may be the perceived low quality of candidates.

More than one interlocutor spoke of a need to reverse a particular trend in certain areas. The cases in point are where each successive election has come to feature yet another candidate from the same tribe whose candidate won before but, in each succeeding election, the candidate's qualifications for

being an office holder are progressively lower than the immediately preceding member of the tribe who ran and won.

As it is, there appear to be too many situations where successive candidates from the same tribe are increasingly viewed as less qualified and impressive than their predecessors. After the second or third time this happens in succession, the result, as we learned, is that voters are turned off. As a result, they typically refuse to cast their ballot.

What is the use, they ask, of voting for someone who in their mind is unlikely to make any lasting difference or accomplish anything of interest and value and who, instead, is likely to be an embarrassment to themselves and their tribe or community?

The record is also mixed with regard to the nature and extent of civic education efforts in all areas that would bring the candidates for election into greater contact with such groups as teachers and students.

In this area of analysis and assessment, it seems that only a minimum of thought, and even less in the way of action, has been devoted to inspiring candidates to make a habit of visiting the schools. Similarly, there does not appear to have an organized effort to encourage school teachers to bring their students to either the Majlis al-Shura or the Majlis al-Dawlah for familiarization visits and the chance to meet and discuss issues with representatives who were elected as well as those that were appointed.

There does not appear to have been a systematic effort thus far to having either candidates or elected representatives take the time and effort to meet with the members and leaders of the various civil society associations. Further, it appeared that in some districts in the period leading up to and on the day of the election the teachers were less than exemplary in the eyes of their colleagues and students.

The evidence is that in some cases up to as many as 85% of the teachers in certain districts chose not to vote. In so doing, they set a less than positive example to both their students and colleagues by indicating that they felt the elections were unimportant. Worse, in stating why they felt this way, many indicated that they saw little prospect of the winning candidates being able, as representatives in the Majlis al-Shura, to accomplish much if anything of value during their term of office.

Recommendations

- Develop a clear and systematic set of rules in the law regarding election campaigns.
- The ban on advertising is justified by the fact that some candidates, through a lack of resources, would be placed at a disadvantage if election

advertising were permitted. The current prohibitions, however, limit opportunities for dialogue with voters. Some thought, therefore, should be given to establishing a campaign allowance using government funds to permit equal campaigning by all candidates, together with a ban on candidates' use of their own financial resources in their campaigns. An alternative might be to establish a limit on election campaign expenditure, perhaps with partial reimbursement to candidates from public funds.

- Research and report on the reasons for low voter turnout in 2003. Take action to correct any institutional or procedural barriers to participation, including measures that will increase opportunities to vote, such as providing polling stations in more areas, and allowing absentee ballots in cases where the residence or place of work of voters are a significant distance away from their places of registration. The proposed expansion of overseas voting to additional countries is welcomed.
- Encourage the development of the role of the media in civic education in general and in the electoral process in particular. The media should be engaged in a more proactive role to further heighten citizen awareness of the importance of voting, of elections, and of participation in general. Similarly the media should be encouraged to report more extensively on the activities of the Majlis and its committees. Greater scope might be given to public debate through the media on pressing economic and social issues.
- Establish a public information unit in the Majlis to prepare information materials suitable for a variety of audiences, to host visits by school students, and to respond to enquiries from the public and journalists about the Majlis and its work.
- Encourage members of the *Majlis al-Shura* to visit the schools in their areas on a regular basis.
- Provide facilities for students in the capital territory to visit the *Majlis al-Shura* on a minimum regular basis, e.g., at least twice during an annual session. The purpose would be to assist them in: (a) learning what the *Majlis al-Shura* is all about, (b) asking questions of the members, (c) having their pictures taken with a member, and (d) writing a report on the experience. Interested senior students might visit the *Majlis al-Shura* more than twice in a given session for more in-depth interactions with the members. The purpose would be to impress upon the students and the elected representatives the degree of seriousness with which the members are expected to take their responsibilities.
- Include civic education at various levels in the school curriculum, including in-service training course for teachers.
- Engage civil society institutions to assist with civic education and voter education programs.

SECTION V: ELECTORAL PROCESS

1. Voter Registration

Existing Registries

The central voter registration database is maintained by and within the Ministry of the Interior. The voter fills out a form that he or she can either mail to the Ministry or hand in to the office of the local *wali*. Candidates are also active in submitting applications on behalf of voters.

Identification of Registration Stations

Registration is done directly with the Ministry of the Interior or with the local *wali*'s office.

Appointment of Registration Staff

Employees of the Ministry of the Interior handle all registration matters.

Registration Eligibility and Period

Pursuant to the election by-law, Omanis have the right to vote if they are 21 years old on January 1 of the election year and are registered in the voter records (Art. 2). This right cannot be exercised by those who are restricted as a result of mental illness, and those who are detained 'after being convicted by a court order for a criminal act or a crime in breach of honor or good conduct' (Art. 5).

A voter may register either in his or her original *wilayah* or in the *wilayah* of residence. Voter registration is permitted for only six months before an election.

Personnel in the security forces are not permitted to register or to vote until one year after release, although it has been alleged that some personnel did manage to vote.

Voter Registration Process

Registration forms are available from a number of sources including *walis*' offices; election committees; the Ministry of the Interior; government buildings; and on the Internet. A passport or national identification card is required for registration. Previously, a voter was required to register before every election but the new national identification card contains voter information. There is no permanent central voter registry but voters can check the lists for their name at *walis*' offices. Registered voters are issued voter identification cards.

Although not stipulated by law, it was reported that in many cases candidates are involved in the collection and submission of voter registration applications and the distribution of voter identification cards. It was also

noted that some voters whose registration is facilitated by candidates confuse their registration with candidate nomination. While others registered in this fashion understand the registration process, it was reported that candidate-facilitated registration creates an obligation on behalf of the voter to cast a ballot for the candidate who registered him or her.

There are allegations that the registration process is sloppy: some military personnel were able to register and some people had two voting cards, while others did not receive any because they were “lost in the ministry.” It is also alleged that low registration totals were in part due to arbitrary restrictions on the number of registration cards allotted to each *wilayah*; when the totals were seen as too low, the ministry employed “haphazard” methods to increase registration.

Cases were reported where officials in the *walis*’ offices let it be known to candidates whom they happened to favor that a rival candidate, in their eyes, was showing signs of running a stronger and more popular campaign than anticipated, based on how many voter registration cards were requested and being returned by a candidate or by voters believed to be supporters of that particular candidate. In such circumstances, it is believed that the officials used this information unfairly to persuade their favored candidate(s) that, for their own good, they should accelerate the degree of seriousness and effectiveness attached to their campaign lest they risk losing the election to the more active and impressive challenger.

Although the franchise was extended to all adult Omanis in 2003, thus giving a potential voter registration of up to 820,000, only 262,000 Omanis registered to vote, and a large number of registered voters did not vote. Reasons given for this were a belief that the Majlis held too little authority and that the period allowed for voter registration was too short. A requirement that voters cast ballots only in the *wilayah* in which they were registered produced travel inconvenience and undoubtedly lowered registration and subsequent voting. Although it is possible for a candidate to register people on their behalf, borrowing their identification cards, this creates an obligation on the part of the voter to vote for the candidate who registers him or her.

Alternative Registration

The new national identification card contains voter information. The assessment team was not able to obtain information on whether the national identification system is sufficiently developed or has sufficient coverage to enable it to be used as an alternative basis for the electoral lists for all the *wilayah*. If the national identification system is comprehensive in its coverage, its database offers the best way to obtain accurate voter lists at little additional cost. This should be examined as a matter of priority before the 2007 elections.

Conclusions and Recommendations

The percentage of eligible Omanis who registered to vote was disappointing. It is important that the rate is improved for the 2007 elections, and the following recommendations are made with that goal in mind:

- There should be research among those who were eligible in 2003 but did not register to find out why they did not do so, and action should be taken to remedy any procedural and other barriers that are identified.
- Effective public education and information programs should be devised and implemented to explain the purpose and importance of registering as a voter.
- The practice of candidate collection and submission of voter registration applications and distribution of voter registration cards should be brought to an end.
- In order to prevent the problems seen with the practice of candidate collection and submission of voter registration applications and distribution of voter registration cards, voter information programs should be designed to increase awareness that voters have a secret vote, that is their decision and does not depend on who submitted their registration application or delivered their voter card.
- The use of the national identification system as the base for voter registration should be examined as a matter of priority.

2. Candidate Registration

Eligibility

Independent Candidates

While there are no parties or formal alliances and all candidates are theoretically independent, it appears that much voting is done on the basis of tribal affiliation. This is said to be decreasing, as candidates stress policies they will follow. There are instances in which tribes and clans have struck temporary alliances to ensure that certain candidates are elected. Some interviewees believe that permitting political parties would only encourage tribalism.

Verification

The assessment team was told that applicants to be candidates are subject to 'security investigations' by the Ministry of the Interior, which can take several months and can result in an application being rejected without reasons being given. This is not in the law and there is no right of appeal.

Conclusions and Recommendations

There were 541 candidates at the 2003 elections, including 21 women. The breakdown by governorate and region was as follows:

Governorate/region	Total no. of candidates	No. of women candidates
Musandam governorate	14	0
Muscat governorate	63	6
Dhofar governorate	52	0
Batinah region	149	9
Interior region	67	1
Dhahira region	50	2
Sharqiyah region	109	3
Wusta region	37	0
Total	541	21

It is acceptable for candidate registration applications to be examined to ensure they comply with the requirements of the law. It is not, however, appropriate for the government to be involved in assessing the suitability of candidates to be the representatives of the people. That is the task of the people themselves through the voting process. Scrutiny of applications to be candidates should be confined to compliance with the law.

3. Ballot Design

Accessibility

Only printed ballots are available, but assistance in voting is provided for the blind, the illiterate, and others requiring it. The team was told on many occasions that the ballot papers used in 2003 were very clear, and it heard no contrary views.

Security

The team did not receive any adverse comments about the security of the ballot papers.

4. Operations and Logistics

Procurement, Distribution and Collection of Ballots, Voting Equipment and Supplies

The assessment team did not receive any comments about problems concerning any of these matters.

5. Polling

Identification of Polling Locations

There were 95 polling stations in the 59 *wilayaat*.

Appointment and Training of Polling Staff

Polling stations are administered by the voting sub-committees appointed by the heads of the election committees in the *wilayaat*. The Ministry provides training for the sub-committees, but its extent and effectiveness was said to be somewhat uneven.

The assessment team did receive comments that some members of local sub-committees acted in ways that favored candidates with whom they have personal or tribal connections. This is unacceptable. One way of addressing the issue would be to extend the principle that applies to election committees and form sub-committees from outside the *wilayah*. That would have financial implications and may give rise to practical difficulties given that nearly 1,800 people were members of sub-committees in 2003. A more practical solution may be to address the issue through training and supervision of the members of the sub-committees, and providing candidates with the express right to complain to the Main Committee in cases where favoritism is thought to have occurred.

Voting on Election Day

Polling stations were open from 7am to 7pm. There are separate polling stations for men and women but women also work in the stations. Polling places are held at schools, which generally had good access for disabled voters with wheelchair ramps and other facilities. In 2003, some places were reported to have had long queues, even with a lower voter turnout than expected. This suggests that more polling places may be needed or that other measures may need to be taken to improve the efficiency of the voting process.

Each polling station has two workers assigned to helping illiterate voters: one shows photographs of the candidates to the voter and the second then supervises the voter in marking the ballot. The blind may also have assistance. Otherwise, voting is secret. No problems were reported.

In 2003, turnout on election day was reported at 65.3% of registered voters, and was considerably lower than expected. A number of reasons have been advanced for this. The Ministry of the Interior announced that the original estimates of 820,000 eligible voters were exaggerated, given that security, armed forces, and police personnel were barred from voting. Furthermore, voting took place on a Thursday, a weekend day; future elections will take place on Saturday, which will be made a holiday.

The election by-law stipulates that each ballot box must have two locks and a single opening no larger than necessary to slip in the ballot. One key is to be held by the head of the vote-counting subcommittee and the other key by the head of the voting subcommittee. (Art. 30) Tampering with or hindering voting is punishable by a prison term and/or a fine. (Art. 36)

The assessment team did not receive any adverse comments about the security of the voting process.

Voting Outside the Country

Embassies in five countries – UAE, Qatar, Bahrain, Jordan, and Egypt – organized voting for Omanis abroad and it is expected that this will be extended to all embassies in the future. The introduction of out-of-country voting was apparently successful, although the assessment team was not able to obtain information on the numbers of votes cast at these locations.

Conclusions and Recommendations

Although the conduct of the 2003 elections went smoothly, some issues should be addressed, such as avoiding favoritism by polling staff the need to avoid long queues. The election management body should consider increasing the number of polling stations to increase voter access to the polls. The provision of facilities for out-of-country voting should be continued and extended to other countries.

6. Counting and Verification

Polling Station Procedures

Members of the security forces are present at each polling station (although, as noted earlier, they are not permitted to vote). This is more of a formality as there have been no security problems related to voting. Ballot boxes are removed from the polling station by police, accompanied by a judge, to the *wali*'s office where the counting is done. A counting sub-committee chaired by a judge (who also serves as a member of the election committee for the *wilayah*) supervises the counting. Counting of votes using scanning technology was introduced successfully at the 2003 elections. Candidates are present when the ballot boxes are opened but not during the counting. Those in charge of counting the votes are not from the same *wilayah*. Official results are announced 15 days after the election.

Standards of Voter Intent/Legitimacy

Indelible ink is used to prevent multiple voting and voter identification cards (valid for two elections) are punched after voting.

Parallel and Public Counts

All vote-counting is handled by the local election vote-counting sub-committees and the Ministry of the Interior. Counting is done in private and there are no public counts.

Transmission and Verification

The results of counting are posted in the *walis*' offices. Candidates have five days to contest the results and another three days are allocated for a decision to be made by the Main Committee; the Committee's verdict cannot be appealed. Once the Committee certifies the results, it issues a final list to the Minister of the Interior for publication. The local election committee handles grievances about the electoral process in the first instance and then by the

legal members of the Main Committee for a final decision. Grievances on the results of an election go to an administrative court. There is no provision for by-elections; vacant seats are filled by appointment, generally by the candidate who finished next in the voting.

Conclusions and Recommendations

The assessment team was not told of any significant issues relating to the arrangements and procedures for vote counting. Counting votes by scanning seems to have worked well and should continue.

7. Observation

International and Domestic Observation

There is no specific provision in the law for international observation, nor any provision or apparent demand for domestic observation or monitoring. Representatives of the international media and international and domestic monitors were present for the 2003 elections.

Some respondents' comments suggest that only countries with poor electoral processes can benefit from election observation and monitoring. It is IFES' experience, however, that properly arranged international and domestic observation and monitoring can serve a number of useful functions, even in countries with well-run elections. Domestic observation promotes the transparency of the electoral process, reassures the public about the quality of the election, and helps educate the public about the electoral process. International observation can have reciprocal benefits by allowing local election authorities to learn from the experiences of others as well as being able to impart first-hand knowledge of the issues they faced and the problems they overcame. Links between election management bodies in different countries can be important in enhancing the knowledge and experience of members and staff, in helping to impart effective techniques, and in ensuring compliance with international best practice.

Conclusions and Recommendations

For these reasons stated above, it is important that those involved in administering Oman's electoral process have the opportunity to visit and be visited by their counterparts in other countries, and budgetary provision needs to be made accordingly. Similarly, Oman's election administrators should welcome domestic observation by local NGOs as a way of promoting the transparency that is necessary to free and fair elections.

SECTION V: SUMMARY OF RECOMMENDATIONS

The assessment team learned much at both the macro and micro levels of analysis that will assist with the development of freer and fairer elections in Oman. At the micro level, a variety of suggestions and recommendations were obtained in what were described as and did appear to be fairly typical Omani electoral districts. These locally focused meetings were enhanced by discussions with representatives, electoral officials, and voters at the grassroots. A common theme was that Omanis must develop their system of government in their own way according to their own history, culture and circumstances. The assessment team wholeheartedly endorses that sentiment. Nevertheless it remains true that advice and guidance from those who have traveled similar paths can assist to shorten the route, avoid problems that can arise, and facilitate solutions for those that do occur. It is in that spirit that the assessment team approached its work and provides this report and recommendations.

The 2003 election marked a significant step in improving Omanis' electoral rights through establishing a more inclusive electoral process. Many of those who met the team stressed that the 2003 elections in Oman, coupled with easy public access to news about electoral and political processes in other countries, have created expectations of further improvements in the extent to which Omanis are able to participate effectively in decision-making. There is a clear expectation that the next important steps in the evolution of Oman's system of government will involve granting more authority to the Majlis al-Shura to enable it to hold the government to account and to allow it to participate more fully in the legislative process.

From their experiences, the assessment team came away with a consensus that improvements could be made in many of the areas discussed in this report. The specific recommendations made throughout this report are summarized below, arranged by topic. The members of the team agree, however, that the priorities for the next steps in improving Oman's electoral process should be: 1.) the establishment of an independent election authority, 2.) reviews of the election law and the laws concerning the media and civil society organizations, and 3.) and the implementation of civic and voter information and education programs, with particular emphasis on younger people. Because the next elections for the Majlis are due to be held in 2007, there is still enough time for changes to be made to continue the progress that has been made in recent years.

Legal Framework

- Many Omanis see the current election by-law as confusing and frequently changing. This was illustrated by the multiple interpretations of the law given by the individuals interviewed by the assessment team. Many also

commented that there should be a proper election law rather than a by-law issued by the decree of the Minister of the Interior. The existing by-law should be reviewed by the Majlis or by an independent body appointed for the purpose. The review should be undertaken with broad public input. A new law (rather than a by-law) should be enacted far enough in advance of the next election that both candidates and voters have no doubts about its provisions.

- In keeping with the widening of the franchise and the increasing authority of the directly-elected Majlis, it is appropriate that regulations which constrain the role of the various types of media should also be reviewed to allow the media to play a more meaningful role in publicizing information regarding the election process and the work of representative bodies.
- Similarly, it is also timely for the regulations governing civil society institutions to be reviewed and the formation of new organizations with broader interests could be encouraged. The expansion of such institutions is likely to enhance national cohesion along functional lines and thus reduce the pull of tribal and regional affiliations.

Electoral Management Body

- A separate election management body should be appointed by the Sultan, located outside of the Ministry of the Interior, with the rank and status of an independent commission. Its membership should include judges and independent non-governmental persons with relevant experience in administration and education. It should have a permanent staff and a broad range of functions, including planning and conducting elections and declaring the results; receiving and approving nominations of candidates; maintaining voter registration lists; devising and implementing civic and voter education and information programs; and reviewing the election law after each election. It should be able to obtain the advice of staff in the relevant government bodies such as the Ministry of the Interior and the Ministry of Information. This Commission would also be responsible for the appointment and training of the local election committees to standards which ensure a free and fair electoral process.

System of Representation

- Introduce stricter educational and literacy qualifications for candidates in order to produce a more competent Majlis with members more able and dedicated to researching, discussing, and articulating pressing issues of the day. Among other statutory requirements, a candidate for the Majlis must be at least 30 years of age, and it has also been suggested that there should be a maximum age limit.
- Provide short training or introductory course for new members, consisting of basic of parliamentary procedures, familiarization with the organization and work of the Majlis, an overview of relevant policies and issues, and

how to read and evaluate legislative proposals. Such a course might rely upon both expatriate experts and government officials, as is done by the Foreign Ministry's Diplomatic Institute. The delegation was informed that the International Republican Institute has already done some training of the members of the Majlis.

- Ensure members of the Majlis al-Shura have access to the information they need on important social topics and on the implementation of legislation and government policies. According to one of its members, the Majlis' library is more akin to a store with inanimate goods on the shelves that no one ever uses. It should be a facility adequately staffed with research assistants who are able and willing to assist the members in conducting studies on topics of interest to their committees or their constituents.
- The previous point is part of a broader need to continue the development of a professional and well-trained secretariat for the Majlis that is able to advise and assist the council, its committees and the members to carry out their functions.
- Consider authorizing a committee in the Majlis al-Shura, or in some other institution associated with the Majlis, to study and report on matters related to the country's defense and foreign affairs. In light of the various sensitivities that relate to this topic, such a committee could be introduced to such topics gradually and to a limited degree in the beginning and not in open session.

Electoral Environment

- Develop a clear and systematic set of rules in the law regarding election campaigns.
- The ban on advertising is justified by the fact that some candidates, through a lack of resources, would be placed at a disadvantage if election advertising were permitted. The current prohibitions, however, limit opportunities for dialogue with voters. Some thought, therefore, should be given to establishing a campaign allowance using government funds to permit equal campaigning by all candidates, together with a ban on candidates' use of their own financial resources in their campaigns. An alternative might be to establish a limit on election campaign expenditure, perhaps with partial reimbursement to candidates from public funds.
- Research and report on the reasons for low voter turnout in 2003. Take action to correct any institutional or procedural barriers to participation, including measures which will increase opportunities to vote, such as providing polling stations in more areas, and allowing absentee ballots in cases where the residence or place of work of voters are a significant distance away from their places of registration. The proposed expansion of overseas voting to additional countries is welcomed.
- Encourage the development of the role of the media in civic education in general and in the electoral process in particular. The media should be engaged in a more proactive role to further heighten citizen awareness of

the importance of voting, of elections, and of participation in general. Similarly the media should be encouraged to report more extensively on the activities of the Majlis and its committees. Greater scope might be given to public debate through the media on pressing economic and social issues.

- Establish a public information unit in the Majlis to prepare information materials suitable for a variety of audiences, to host visits by school students, and to respond to enquiries from the public and journalists about the Majlis and its work.
- Encourage members of the Majlis al-Shura to visit the schools in their areas on a regular basis.
- Provide facilities for students in the capital territory to visit the Majlis al-Shura on a minimum regular basis, e.g., at least twice during an annual session. The purpose would be to assist them in: (a) learning what the Majlis al-Shura is all about, (b) asking questions of the members, (c) having their pictures taken with a member, and (d) writing a report on the experience. Interested senior students might visit the Majlis al-Shura more than twice in a given session for more in-depth interactions with the members. The purpose would be to impress upon the students and the elected representatives the degree of seriousness with which the members are expected to take their responsibilities.
- Include civic education at various levels in the school curriculum, including in-service training course for teachers.
- Engage civil society institutions to assist with civic education and voter education programs.

Voter Registration

- There should be research among those who were eligible in 2003 but did not register to find out why they did not do so, and action should be taken to remedy any procedural and other barriers that are identified.
- Effective public education and information programs should be devised and implemented to explain the purpose and importance of registering as a voter.
- In order to prevent the problems seen with the practice of candidate collection and submission of voter registration applications and distribution of voter registration cards, there should be voter information programs to increase awareness that voters have a secret vote that is their decision and does not depend on who submitted their registration application or delivered their voter card.
- The use of the national identification system as the base for voter registration should be examined as a matter of priority.

Candidate Registration

- Candidate applications need to be examined to ensure they comply with the requirements of the law. It is not, however, appropriate for the government to be involved in assessing the suitability of candidates to be the representatives of the people. That is the task of the people themselves through the voting process. Scrutiny of applications to be candidates should be confined to compliance with the law.

Polling

- Although the conduct of the 2003 elections went smoothly, some issues should be addressed, such as avoiding favoritism by polling staff the need to avoid long queues. The election management body should consider increasing the number of polling stations to increase voter access to the polls. The provision of facilities for out-of-country voting should be continued and extended to other countries.

Counting and Verification

- The introduction of counting of votes by scanning seems to have worked well and should continue.

Observation

- For these reasons, it is important that those involved in administering Oman's electoral process have the opportunity to visit and be visited by their counterparts in other countries, and budgetary provision needs to be made accordingly. Similarly, Oman's election administrators should welcome domestic observation by local NGOs as a way of promoting the transparency that is necessary to free and fair elections.

APPENDICES

Appendix 1: By-laws for the Shura Council Elections issued by Decree No. 26/2003 by the Minister of the Interior as Amended by Decree No. 121/2003

Appendix 2: Majlis A'Shura Documents of Establishment

Appendix 3: List of Interlocutors

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Appendix 1

Sultanate of Oman

By-laws for the Shura Council Elections issued by Decree No. 26/2003 by the Minister of the Interior as Amended by Decree No. 121/2003*

Section I Definitions

Article 1. The following words and expressions shall have the following meanings assigned hereunder unless the context provides otherwise:

The Ministry: the Ministry of the Interior;

The Minister: the Minister of the Interior;

The Main Committee: the committee designated to supervise the election process; its head office shall be based at the Ministry of the Interior;

Election Committee: the committee formed in every district (wilayah) to supervise the election process in the district (wilayah);

Omani: every male or female who holds Omani citizenship;

Ballot Paper: the form prepared for the voter to exercise his/her electoral right.

Section II The Right to Vote

Article 2. Every Omani has the right to vote for the members of the Shura Council if he or she meets the following conditions:

1. has attained twenty one years on the first of January of the election year;
2. is registered in the voter records.

Article 3: The right to vote is a personal right to be exercised only once during any single election and cannot be done by proxy or through a representative. The voter shall not vote in any district (wilayah) other than the district (wilayah) in which he or she is registered in the voter record.

Omanis living abroad who are registered in the voter records have the right to vote for the Shura Council members in the Sultanate's embassies in countries that are specified – stating the voting procedures – in a decree issued by the Minister.

Article 4: Members of the military or security forces shall not be allowed to exercise the right to vote unless they have completed one year after their actual release from that force.

Article 5: A person shall not be allowed to exercise the right to vote if he or she:

1. suffers from mental illness, during their restriction;

* Unofficial translation prepared by IFES, February 2005.

2. is detained after being convicted by a court order for a criminal act or a crime in breach of honor or good conduct.

Section III The Voter Record

Article 6: A voter record shall be established at the Ministry for every district (wilayah) in which the names of the voters and their electoral data are recorded.

Article 7: To be registered in the voter record for a district (wilayah), a voter must be a citizen of the district (wilayah) or a resident thereof.

Article 8: The Ministry shall prepare the electoral lists for each district (wilayah) which includes the names of all its voters based on the voter records.

Article 9: A voter registration card shall be issued for every voter which includes the electoral number, full name, date and place of birth, passport or personal identification number, voting domicile and the date of issuing the voter registration card.

Section IV Candidacy Rights

Article 10: Every Omani has the right to be a candidate for the Shura Council if the following conditions are met:

1. not to be less than thirty years old on the day preceding the start of the nomination period;
2. must be a citizen or resident of the district (wilayah) where he or she is nominated;
3. must have an adequate level of education with a sufficient and appropriate practical experience.

Article 11: The following persons shall not be allowed to exercise the right to be a candidate even if the conditions of Article 10 are met:

- anyone convicted of bankruptcy if his or her name is not yet cleared;
- anyone detained with a court order during his or her detention;
- anyone suffering from mental diseases, during his or her restriction;
- anyone convicted of criminal acts or crimes in breach of honor or good conduct, if his or her name is not yet cleared.

Article 12: Members of the military or security forces shall not be allowed to exercise the right of candidacy unless they have completed two years after their actual release from that force.

Article 13: Applications for nomination shall be submitted, using the form prepared for this purpose, to the Minister by the candidate or his representative during the

period specified by the Minister's announcement and the candidate shall be handed a receipt.

Article 14: The election committee shall examine the candidates' applications received from the Ministry, and prepare a list of their names accompanied by the committee's opinion and submit it to the Main Committee to review and approve the list.

Article 15: The names of the candidates listed in the primary lists shall be posted as soon as they are received by the Main Committee in a prominent area at the office of the government representative (wali) in the district (wilayah).

Article 16: Any person with a vested interest shall have the right to contest the names mentioned in the primary list of candidates, and must do so at the election committee within five days following the announcement of the list. He or she must state the reasons behind the contest and shall be handed a receipt.

Article 17: The election committee shall issue its decision on the contest submitted about the names mentioned in the primary list within one week from the end of the contesting period. If the election committee up-holds the contest, it shall notify both the applicant and the candidate in writing, it shall amend the list accordingly, and it shall inform the Main Committee of the decision. If the contest is overturned, the election committee shall notify the applicant in writing with the reasons for its decision and state that the applicant has the right to appeal to the Main Committee.

The election committee's decisions regarding the contests shall be posted at the same place where the primary candidates' lists were posted.

Article 18: Any person with a vested interest shall have the right to contest the election committee's decision accepting or rejecting the contest referred to in Article 17 of this by-law by appealing to the Main Committee within three days from being notified of the decision, stating the reasons for the appeal, and shall be handed a receipt.

The appeal may be filed with the election committee which shall submit it immediately to the Main Committee to be dealt with.

Article 19: The Main Committee shall issue its decision regarding the appeal within fifteen days of receiving it and its decision shall be final. The Committee shall send the final lists of candidates to every district (wilayah).

Section V

Election Committees

Article 20: The Minister shall issue a decree to form the Main Committee for elections chaired by the Deputy Minister, and the membership of the Committee shall be specified in the Committee's formation decree.

Article 21: The Main Committee's tasks and responsibilities are as follows:

- supervising and monitoring the performance of the election committees;
- deciding the issues raised by the election committees;
- approving the candidates and voters lists for all districts (wilayaat);
- deciding all contests against the decisions of the election committees and amending the lists accordingly;
- specifying the appropriate procedures and means that allow the voters to cast their votes easily;
- resolving complaints presented to it regarding the validity of voting results;
- submitting the election results for all districts (wilayaat) to the Minister as a preliminary step before the results are announced.

Article 22: The Minister shall issue a decree to form the election committee in every district (wilayah), which shall be chaired by the government representative (wali) in the district (wilayah) and with the membership of a Judge and the deputy of the government representative (wali) in the district (wilayah) and two other members from among the heads of governmental agencies in the district (wilayah). The members must not belong to the district (wilayah) in which they serve and the deputy of the government representative (wali) in the district (wilayah) shall be the *rapporteur* of the committee.

Article 23: The election committee's tasks and responsibilities are as follows:

- making the necessary arrangements to conduct the electoral process in the district (wilayah) and monitoring the process directly throughout its various phases;
- handling all temporary problems concerning the voting process;
- receiving contests against the names included in the primary list of candidates, deciding them and submitting the appeals concerning its decisions to the Main Committee;
- submitting the primary election results to the Main Committee as soon as the vote counting process is completed;
- preparing minutes of the electoral process in the district (wilayah) and submitting them to the Main Committee.

Article 24:

a. The head of the Main Committee shall issue a decree to form three sub-committees in every district (wilayah) as follows:

- the preparation sub-committee;
- the voting sub-committee;
- the counting sub-committee.

b. These sub-committees consist of a number of members according to the Main Committee's decision based on the population density of the district (wilayah). Each sub-committee shall be headed by a member of the election committee; however the counting sub-committee shall be headed by the judge who is a member of the election committee.

Article 25: The sub-committee's tasks and responsibilities are as follows:

a. The preparation sub-committee:

- preparing the polling stations;
- verifying the voter's identity by means of the voter identification card;
- organizing the voters' entrance to and exit from the polling stations;
- maintaining and preserving security at the polling stations;
- submitting a report to the election committee regarding its performance.

b. The voting sub-committee:

- ensuring that the ballot boxes are empty of any papers or forms by opening them in front of the voters and candidates or their legal representatives that are present, then closing the ballot boxes and recording this process in the minutes to be signed by the heads of the counting and voting sub-committees;
- handing sequentially numbered and stamped ballot papers to the voters;
- perforating the voter's identification card in the place specified for this purpose before the name of the candidate is marked;
- signing and stamping the ballot papers before they are used in the voting process;
- writing the name of the candidate that an illiterate voter wishes to vote for, provided however another member (other than the one who wrote the name) shall read the written name to the voter in a private place and hand the ballot paper to the voter to be cast in the ballot box;
- observing and monitoring the process of casting the votes in the ballot box;
- closing and sealing the boxes with red wax at the time specified for the end of the voting;
- preparing minutes of the voting process, including the number of ballot papers used, voided and unused, to be submitted to the election committee.

c. The counting sub-committee:

- opening the ballot boxes in front of the election committee and the candidates or their representatives that are present and preparing minutes in this regard;
- counting the number of ballot papers in each ballot box;
- counting the votes received by each candidate through reading each ballot paper by at least two members, then entering it in two copies of the counting forms to be signed by the head of the sub-committee and one of its members;
- marking the ballot paper by a member of the counting sub-committee;
- deciding on the validity of the votes;
- aggregating the number of votes for each candidate and preparing a file for each candidate with the votes he or she received;
- preparing detailed minutes covering all the steps taken by the committee and its comments, and submitting it to the election committee.

Section VI

Voting and Announcing the Results

Article 26: Voting shall take place on one day for all districts (wilayaat) of the Sultanate, and the Minister has the right to declare a different day for voting in a specific district (wilayah) if that is required for the integrity of voting and the general interest.

Article 27: Voting shall start on its specified day at 7:00 am and end at 7:00 pm of the same day. The head of the Main Committee has the right to extend the time until 9:00 pm with a reasoned decision.

Article 28: Voting shall take place on the ballot paper prepared for this purpose and at the specified polling stations in the district (wilayah).

Article 29: The Minister shall have the right to approve the use of a computerized system for voting or counting or both in all or some of the districts (wilayaat) according to a decree regulating such use.

Article 30: The ballot boxes shall be in the form approved by the Minister provided that each box has two locks and one opening space in order to allow the voters to cast the ballot papers. The keys of one of the locks shall be with the head of the counting sub-committee and the other keys shall be with the head of the voting sub-committee.

Article 31: The counting sub-committee shall decide on the validity of the ballot papers, and the ballot paper shall be considered invalid in any of the following cases:

1. if it is not stamped or signed by one of the voting sub-committee members;
2. if it contains more than one candidate's name;
3. if it contains a name or names other than the names of the candidates mentioned in the lists;
4. if the name of the candidate is illegible or cannot be identified by other evidence;
5. if it includes the voter's name or any sign referring to the voter.

Article 32: After the counting process is completed, the candidates' names shall be sorted in a descending order according to the number of votes won by each candidate. The winner shall be the candidate who won the highest number of votes, or if the district (wilayah) is represented by more than one person, the two candidates who won the highest numbers of votes.

If two or more candidates won equal votes, the winner shall be determined by a lot to be tossed by the election committee in their presence. The election committee shall prepare minutes to that effect to be signed by those present and by the members of the election committee.

Article 33: The election committee shall submit the results to the Main Committee as soon as the counting process is completed, and no later than 12:00 noon of the day following the day of voting. It shall prepare minutes on the results to be sent, along with all the relevant decisions and papers, to the Main Committee, and shall post the results in a public and prominent area at the office of the government representative (wali) in the district (wilayah).

Article 34: Any person with a vested interest has the right to contest the voting results before the Main Committee within five days of the results being announced at the office of the government representative (wali) in the district (wilayah), stating the reasons for the contest.

The committee shall decide the contest and its decision shall not be considered final unless it is approved by the Minister.

Article 35: The Main Committee shall submit the results to the Minister who shall issue a statement with the final results of the elections, including the names of the members of the Shura Council.

Section VII Penalties

Article 36: Without contravening stricter punishment provided for in another law, anyone who commits the following actions shall be punishable by a maximum of six months imprisonment or by a fine not less than OR 1,000 and not exceeding OR 3,000 or both penalties:

1. to impersonate another person in order to vote or to be able to vote more than once;
2. to enter a polling station by force to affect the process of voting or to hurt any one of those in charge of the process;
3. to carry weapons at a polling station;
4. to hijack or try to hijack a ballot box before or after the counting process;
5. to commit any act that might affect the electoral process.

Article 37: All charges for crimes mentioned in Article 36 of this by-law shall be dropped after six months from the declaration of the final results of the elections.

Section VIII Final Provisions

Article 38: The Minister shall issue a decree for each electoral phase according to the time frame of the election procedures.

Article 39: The Ministry shall prepare for each electoral phase the forms, records, stamps and ballot boxes necessary for the electoral process.

Second: New Rules and Regulations in General Elections for the fifth period

A new development has occurred in the elections for the fifth session of the Shura Council compared with the previous sessions. Apparently, this is due to increasing the participation in the election process which came as a result of His Highness the Sultan Qaboos Bin Saeed's instructions – God bless him. These instructions resulted in expanding voting rights to include all those who have attained 21 years of age without specifying a ratio for every district (wilayah) which was the practice in previous elections. Also, they included increasing the level of judicial supervision of the procedures for the election process and opening the way for women to participate without any ratio limitations in appreciation of their essential and evident role in society enhancement in various aspects.

The Ministry of the Interior was prepared to conduct the elections for the fifth session of the Shura Council, and it put a lot of effort into facilitating those elections through the committees that were formed in addition to the Main Committee. Workshops and forums held by the Ministry of the Interior in the Sultanate's districts (wilayaat) helped to clarify the procedures and steps of the election process.

Saturday October 4th, 2003 was the election day for the general elections for the Shura Council. This day was considered an official holiday in both public and private sectors for those participating in the elections. The number of polling stations was 93 stations and (1,767) citizens participated in the voting and counting committees, as well as organizing and supervising the process of elections in various districts (wilayaat).

SULTANATE OF OMAN

Majlis A'Shura DOCUMENTS OF ESTABLISHMENT

**The Fifth Term of the Majlis A'Shura
(The Third Term of the Council of Oman)**

(October 2003 – September 2007)

DRAFT

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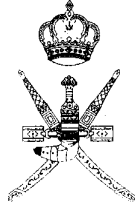
- *The Text of The Royal Speech by **HIS MAJESTY SULTAN QABOOS BIN SAID AL SAID** at The Opening of the Third Term of The Council Of Oman on Tuesday 21 st October 2003.*
- *The Speech by HE the President of Majlis A'Shura, Shiekh Abdulla Bin Ali Al - Qatabi in reply to the Royal Speech at the same occasion.*
- *The Royal Decree No. 86/97 on the formation of the Council of Oman*
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The Text of The Royal Speech by

**HIS MAJESTY
SULTAN QABOOS BIN SAID AL
SAID**

At the opening of The Third Term of The Council Of Oman

*On Tuesday 25 Shaban 1424 AH
Corresponding To 21st October 2003*



In the name of God, the Compassionate, the Merciful.

Praise be to God, through whose bounty good works are achieved, and may Blessings and Peace be upon the one who brought Guidance to lead the people out of the darkness, and upon his Family and Companions, as long as the earth and the heavens remain.

Honourable Members of the Council of Oman
Dear Citizens,

Through the Grace of God we meet again to reaffirm our determination to consolidate and develop the Shura (Consultation) path in a manner that will serve the interests of the nation and meet the aspirations of its citizens. From the very beginning it was our wish to see Oman embark upon its own enterprise in the field of democratic action in which its citizens play their part in taking national decisions. This enterprise has been built up brick-by-brick on firm foundations based on the realities of Omani life and the conditions of the age in which we live. This is reflected in the step-by-step approach which we adopted in this regard, which culminated in all legally eligible citizens - both men and women - being granted the right to vote.

From our side, we extend our patronage and support to this process, while our government from its side is performing its duty in co-operating with the State Council (Majlis A'Dawla) and the Consultation Council (Majlis A'Shura). However, we must point out here that another important dimension also needs to exist in order to ensure that the process bears fruit: this dimension is the activity in which you, the members of the two Councils, are engaged and the extent to which you yourselves are supporting the enterprise, whether through the recommendations and practical proposals you put forward, or through the way in which you help raise the level of public awareness about relevant issues. Human enterprise can only succeed if there is constant endeavour, accompanied by determination, a strong will and a sense of responsibility. No nation can achieve its goal unless it unites and works together to build its future and develop its potential.

We are fully confident that all of you - both men and women - will play your part in developing and building up this Omani enterprise and reinforcing its roots through hard work and wise and responsible endeavour for the sake of the nation and its citizens.

Honourable Members of the Council of Oman

Dear Citizens,

We will not go into elaborate detail in describing the past achievements of the Omani Renaissance in various spheres of life. However, we should point out that if by the Grace of God we are enjoying prosperity today, then we also have a duty not to forget that our thoughts and plans should be focused on the future. This is because major targets and many challenges lie ahead of us and the road is long. We are therefore required to arm ourselves with knowledge, a firm will and a readiness for hard work, and to seek success from God.

We have attached major priority to our domestic policy since the beginning of the Blessed Renaissance so that our human resources can be developed in such a way as will enable them to serve the community and work for the good of the nation. We appreciate the

efforts being made by the different state authorities in this field, and we also commend the private sector's contributions to the education and training programmes and to developing manpower skills and producing qualified Omani personnel. In particular, we support this sector's moves to establish colleges and universities in different parts of the Sultanate in order to provide the widest possible opportunities for higher education within the country.

We call upon those in charge of these universities to make them easily accessible to young Omanis who wish to enroll in them. We also call upon them to focus on their academic syllabi, ensure that they are constantly developed and updated so that their universities can be assured of their place among the ranks of distinguished institutions, and increase the numbers of students applying to study in them. Here we should also like to point out that over the past two years we have been observing the private sector's efforts to provide job opportunities for nationals in its companies and establishments.

In urging young Omanis to make use of the available educational, training and job opportunities, we should like everyone to understand that our repeated calls for attention to be given to human resources - to education, training and employment - reflect the importance we attach to this vital issue - an issue which we regard as the cornerstone of the future and the main stimulus enabling us to reach our goals.

We should also like to note that in July 2001 we issued a Royal Decree on the General Census of Population, Housing and Establishment which stated that the actual count should begin in December of this year - 2003. In stressing the importance of the census results for the country's future development plans, we call upon everyone to co-operate fully with those in charge of implementing the project, provide them with accurate information and do everything possible to help ensure success in achieving the desired goals.

With regard to foreign policy, we strongly call for the establishment of a sovereign, viable Palestinian state at the earliest opportunity, for the Arab states to recover their lands and their

sovereignty, and for peace, security and stability to prevail in every part of the world. Injustice is darkness, and we are against injustice and darkness and on the side of justice, light and harmony. Mankind will only enjoy happiness and a sense of security if there is justice and respect for all those things which guarantee human beings their legitimate rights. First and foremost of these is their right to honour, dignity and freedom from humiliation, and their right to liberty and independence.

Praise be to God Who has guided us to this state. We would not have been guided were it not for the fact that God has guided us.

May God grant you success in your endeavours.

And may Peace be upon you and God's Mercy and Blessings.

DRAFT

H E Shiekh Abdullah Bin Ali Al Qatabi

*The President Of Majlis A'Shura
In Reply to the Royal
Inaugural Speech*



In the Name of Allah Most Gracious Most Merciful

DRAFT
All praise be to Allah Lord of all worlds, who said in His wise and clear book (who conduct their affairs by mutual consultation) , and Prayers and Peace be upon the Seal of Prophets and Messengers, our Master Mohammad, and upon all his kins and companions, whom Allah has instructed (and consult them in affairs (of moments). Then when thou hast taken a decision, put thy trust in God.)

My Sovereign Lord
His Majesty Sultan Qaboos bin Said

Assalamu ala'ikum wa rahmatu Allahi wa barakatuh (Peace, the Mercy of Allah and His Blessings be upon you)

It is my great honour, Your Majesty, in this great occasion under Your most high auspices and among this gracious crowd, to stand here before Your Majesty to express on behalf of my brothers the Members of Majles a'Shura representing their wilayats during the Fifth Term of the Majles, and myself our great thanks and gratitude to Your sublime place for all the attention, care, and treasured trust and honour You have bestowed upon us to participate in the building of this Dear Country, which you have set up its establishments, and built the

fabric of its unity in the best possible way a country can be, in the light of a system of governance based on justice, Shura and equality.

Your Majesty,

You are graciously opening on this blessed day of Oman's glorious days the Third Term of the Council of Oman. This Council was born out of the Basic Law of the State, which Your Majesty have kindly promulgated in 1996 to accompany the pace of development in the country and to establish for the principle of Shura a highly elevated place in this system, and for the Omanis a wide national participation through the bicameral system (Dawlah and Shura), further strengthening the existing national unity and affirming its well founded bases, and honouring Your people, who stand behind Your wise leadership with all the love, loyalty, fidelity and allegiance.

The Sultanate of Oman has been, under the leadership of Your Majesty, a regional pioneer in adopting a bicameral system, and granting women the rights of election, candidature for the membership of Majles A'Shura and appointment at Majles a'Dawlah, and in adapting to modern means and techniques in the implementation of the Shura as per the requirements of development witnessed across the country and in a way that is sensitive to the society values, its customs and traditions, and its religious and moral culture.

You have worked - Your Majesty - on accomplishing this great achievement from the first day of Your reign; from a far-sighted and enlightened perspective. Your Majesty - anchored in a fulfilling promise and fruitful engendering in the minds of people and their expectations - have sought consistently with planning and limitless efforts to prepare Your country and people to assume this role, in order for them to experience their expectations in a reality, the steps of which have relayed on a straight and gradual bases, aiming at empowering the citizenry in active participation on more than one level, hand in hand with preparing them, educating them and qualify them to bear the responsibility of trust and deliver the duty of participating in building this land. If one goes back to Your Royal Speech on the occasion of the First National Day for the Sultanate in

1971 one will realise very well that what You have given as glad tidings of reforms, which have been implemented through well studied stages, were part of the essence and determination of Your adopted policies and that they were not born out of the hour.

This term comes to complement what have preceded it of steps, where the citizenry participating in the Majles A' Shura Fifth Term elections were given the right of direct and free election, for every male and female citizen who reached the age of twenty-one years. This major step was accompanied by introducing significant amendments to the Majles system and competences and will contribute - God Willing - to transforming the process of Shura in Oman.

Your Majesty the Sultan,

We are indebted to Your Majesty for all what you had accomplished of achievements in general, and what the Omani experiment of success in the Shura specifically. The co-operation, supported by Your Royal directions, between the Council of Your Ministers and Majles A'Shura had a positive impact on the provision of success factors between the two councils with regard to several issues. As we thank the Council of Ministers for the fruitful cooperation, we would like to affirm our commitment to continue constructive co-operation, under Your gracious care and continuous support; taking from Your gracious and wise directions in Your speech in this occasion what will always light the way for us in the delivery of our national duty; vowing to Allah the Exalted and Your Majesty to work honestly and diligently for the service of this dear country and its people under Your wise and inspired leadership.

We avail of this happy occasion on this glorious historic day of Your prosperous reign and extended - by the Grace of Allah - and on the occasion of this accomplished national achievement and all marvellous success, to put before Your sublime place the highest chords of congratulations and blessings, asking Allah All-High Almighty to keep Your Majesty a leader for the Good and prosperity, and that You may enjoy health, happiness and long life.

We also extend our congratulations to the members of Your Royal Family and Your faithful people.

DRAFT

The Royal Decree No. 86/97 on the formation of the Council of Oman

We, Qaboos Bin Said, the Sultan of Oman,

After perusal of the Basic Statute of the State issued by the Royal Decree No. 101/96,

And the Royal Decree No. 94/91 on the Establishment of Majlis A'Shura and its amendments there to.

And the Internal Regulation of Majlis A'Shura issued by the Royal Decree No. 98/91 on the remuneration of the President and members of Majlis A'Shura,

And as an elaboration to the bases of participation in view in a way that leads to the exploitation of the expertise of scholars and specialists and contribute to the implementation of the comprehensive development strategy and serve the public interest,

And in accordance with the exigencies of public interest

Have decreed the following:

Article (1) : The Council of Oman shall be formed from

- The State Council
- Majlis A'Shura.

Article (2): His Majesty the Sultan shall open the council of Oman at the beginning of every new term for The State Council and Majlis A'Shura. His Majesty may call for a joint session of the two councils to discuss certain issues determined by His Majesty when the session is called for. In this case, no other issues shall be discussed. The joint sessions shall be chaired by the President of The State Council or the President of Majlis A'Shura, as specified by a Royal decision. All members of the two Councils should attend the opening sessions of the Council of Oman and the joint sessions called for by His Majesty the Sultan, in addition to the joint session between the Council of Oman and the Defence Council stipulated in Article (7) of the Basic Statute of the of the State. No member is allowed to absent himself from attending any of those sessions except for extraordinary reasons.

Article (3): Recommendations in the joint sessions called for by His Majesty the Sultan are to be issued by the majority of votes of the attending members, except for the President, who shall make the casting vote if the votes are equal.

Article (4): The provision of the attached rules of establishment shall be applicable to The State Council and Majlis A'Shura. The Internal Regulations of each of the two Councils shall be issued by a Royal Decree.

Article (5): Royal Decree No. 94/91 and 98/91, are hereby cancelled. Whatever may contradict with this Decree or its provisions is also cancelled.

Article (6): This Decree shall be published in the Official Gazette and come into effect as from the date of its publication.

Issued on 16th Sha'aban 1418 AH Qaboos Bin Said
Corresponding to 16th December 1997 AD Sultan of Oman

DRAFT

The Rules of Establishment of the State Council and Majlis A'Shura

Chapter One **Common Provisions**

Article (1): Each of The State Council and Majlis A'shura shall have its own legal entity and financial and administrative independence, and its domicile shall be located in Muscat.

Article (2): The membership term for both the State Council and Majlis A'Shura is four Gregorian years, starting from the specified date in the appointment decree with regard to the State Council, and from the date of declaring the final election results with regard to Majlis A'Shura; and expiring by the end of September that precedes the new term for the two councils, unless the membership has already expired for any legal reason.

The membership may be renewed for other similar periods in accordance to the law.

Article (3): Before assuming his duties, the Presidents of each of the two councils shall make the following oath before His Majesty the Sultan, (I swear, by the Name of Almighty Allah, to be allegiant to His Majesty the Sultan and to my country, and to respect the Basic Statute of the State and the enforceable laws, and to maintain the security of the State as well as the basic principles and authentic values of the Omani society, and to performing duties in the council and its committees with full responsibility and trust).

All members shall take the same oath - each before his respective council - before assuming their duties.

Members of either Councils shall relinquish their membership in the following cases:

- a. If the member lost any of the conditions of membership
- b. If the member lost confidence and esteem.
- c. If the member failed to perform his duties according to the provisions to that effect.

Article (5): Each of The State Council and Majlis A'Shura shall have a General Secretariat formed of the Secretary General and a number of assistants and employees.

The Secretary General shall be appointed by a Royal Decree and shall be given the status of an Under Secretary.

Article (2) vide Royal Decree No. 74/2003.

Article (6)*: Each of the two councils shall convene an annual session for a period not less than eight months. The president may call for extraordinary sittings if deemed necessary.

His Majesty the Sultan inaugurates the annual sessions in a plenary sitting of the two councils in which His Majesty the Sultan delivers a royal speech. Regular session of each council commences after the joint sitting.

Article (7): The Council of Ministers shall allocate two annual meetings: one shall be attended by the President and members of the Bureau of the State council, and the other by the President and members of the Bureau of the Majlis A'Shura. The meeting shall be devoted to follow up the coordination between the Government at one hand, and either of The State Council and Majlis A'Shura at the other.

The council of Ministers may form a joint committee with either State Council or Majlis A'Shura. This committee shall undertake coordination of the relation between the Government and any of the two Councils in issues that serve the public interests, particularly with regard to the recommendations referred by His Majesty The Sultan to the Government to explore its opinion about the feasibility of to executing these recommendations or to identify out the best means to utilize them. The Committee shall also undertake the preparations for the annual coordination meeting referred to in the above paragraph.

Article (8): Ministries, Government departments, public authorities and institutions shall cooperate with The State Council and Majlis A'Shura to make their tasks easier and to furnish them with any necessary data or information related to the fields of there competences.

Article (9): The Presidents of The State Council and Majlis A'Shura shall each submit annual reports to His Majesty the Sultan on the results of work of their respective councils.

Article (10): Entitlements of the Presidents of the two councils and remuneration for the members shall be determined by Royal orders.

Chapter Two **The State Council**

Article (11): A*. The State Council membership shall not exceed in number the membership of the A'shura Council, and shall be appointed by a Royal Decree.

B**. The President of The State Council shall be appointed by a Royal Decree.

C***. The State Council appoints from its membership two deputy presidents in its first sitting and in case of any vacancy the council appoints a replacement.**

Article (6)vide Royal Decree No. 74/2003.

* Amended as per vide Royal Decree No. 50/2000.

** Amended as per vide Royal Decree No. 104/2000.

***Amended as per vide Royal Decree No. 74/2003.

Article (12): Members of the State Council shall be selected from the following categories:

- a. Former ministers and under secretaries or those of similar status.
 - b. Former ambassadors.
 - c. Former senior judges.
 - d. Former retired senior officers.
 - e. People of competence and expertise in the fields of science, literature, and culture, in addition to academicians of university colleges and institutes of higher education.
 - f. Notable figures and businessmen.
 - g. Persons who have accomplished noble services for the country.
- Whoever is deemed fit by His Majesty the Sultan for membership of the Majlis and may not fit any of the above categories.

Article (13): Without prejudice to the provisions of Article (12), the member of the State Council should satisfy the following conditions:

- a. To be of Omani nationality by origin in concordance with the law.
- b. To be at least of 40 years of age.
- c. To be a person of high esteem and good reputation and has a suitable work experience. He should not have been convicted of any offence of dishonesty unless otherwise granted judicial pardon.

Article (14): The member of The State Council may ask to be relieved from the Council's membership by submitting a request to the President of the Majlis. The President has to submit the request to His Majesty the Sultan.

Article (15): If, for any reason, the post of a member of The State Council becomes vacant before the end of its term, a substitute member shall be appointed by a Royal Decree to fill the vacancy up to the end of the term.

Article (16): Membership of The State Council and Majlis A'shura cannot be held jointly. No member, except for those mentioned in paragraph (e) and (h) of Article (12) is allowed to hold simultaneously the membership of the Majlis, and public office.

Article (17)*: The State Council shall assist in the implementation of development plans, contribute towards the consolidation of traditionally genuine values of the Omani society, preservation of its achievements and affirmation of the principles stipulated in the Basic Law (Statute) of the State.

Article (18)*: To achieve its goals, the State Council shall have the following competences:

- a. Preparation of studies that assist in the implementation of development plans and programmes, and contribute towards finding appropriate solutions for economic and social obstacles.

Article (17,18) vide Royal Decree No 74/2003.

- b. Presentation of proposal which will encourage investment in all production and services sectors and the development of economic resources.
- c. Presentation of studies and proposals in the field of human resources development and betterment of the performance of the administrative bodies with a view to serving the society and achieving the general objectives of the state.
- d. Review of draft laws prior to their promulgation procedures, except for those required by the public interest to be submitted directly to His Majesty the Sultan. The State Council shall present its recommendations regarding the referred draft laws to the Council of Ministers.
- e. Study of issues serving public interest which are referred to the Council by His Majesty the Sultan and/or the Council of Ministers, stating the Council views in their regard.

Article (19): The Majlis as shall submit the results of its studies, proposals and recommendations to His Majesty the Sultan or to the Council of Ministers as the situation requires.

Article (20): The State Council shall have a bureau consisting of the President, the two Vice Presidents, and four members that are elected by the Majlis in its first sitting.

Chapter Three **Majlis A'Shura**

Article (21)*: Majlis A'Shura shall Consist of representatives of the Wilayats (districts) of the Sultanate, and whose election should be conducted as follows:

- a. Each wilayat (district), the population of which is 30 thousand or more, shall elect two representatives.
- b. Each wilayat (district), the population of which is less than 30 thousand, shall elect one representative.
- c. Election results shall be announced by the Minister of Interior. Those who acquire the highest number of votes shall be representatives of their respective wilayats (districts) at the Majlis.
- d. The Minister of Interior, in co-ordination with the concerned authorities, shall issue a statement of the wilayats (districts) classified according to the size of their population. He shall also issue the regulation charter for the A'Shura Council elections through a ministerial decision.

Article (22): Candidates to the membership of the Majlis A'Shura shall satisfy the following conditions:

- a. To be of Omani nationality by origin in concordance with the law.
- b. To be at least 30 Gregorian years of age.

- c. To be of status and good reputation in the wilayat (district), and should not have been convicted of any offence or crime of dishonesty or honour, save where has been re-instated.
- d. To be of reasonable level of culture, and to possess reasonable working experience.

Article (23): The President of the Majlis shall be appointed by a Royal Decree.

Article (24): The Majlis shall elect two Vice-Presidents from among its members during its first sitting.

Article (25): The Majlis shall have a Bureau that consists of the President, his two Vice-Presidents and six members to be elected by the Majlis during its first sitting.

Article (26): Membership of the Majlis A'Shura and The State Council cannot be held simultaneously, nor the membership of the Majlis A'Shura and any Public Office.

If a Public Sector employee is elected, then his services will be considered terminated from the date of the beginning of Majlis A'Shura membership. Para (c) of Article (22) of the Pension and After-Service Gratuity Law applies in this case.

Article (27): If the position of a members of the Majlis A'Shura becomes vacant for whatever reason there may be prior to the conclusion of the term of the Council by one session, the candidate that got the second highest vote shall succeed in the position to complete the term of the Council.

Article (28): Majlis A'Shura shall assist the government in all matters that concern the Omani society and provide all appropriate proposals the Majlis might find necessary to support the society's fundamental values and principles.

Article (29): To achieve its goals, Majlis A'shura shall have the following competences:

- a) * Review draft laws prior to their promulgation procedures, except for those required by the public interest to be submitted directly to His Majesty the Sultan. The Majlis A'Shura shall present its recommendations regarding the referred draft laws to the Council of Ministers,
- b) Suggest the most appropriate views for developing all the social and economic valid laws in the sultanate and refer the proposed draft amendments of these laws to the State council.
- c) Set forth views to the issues submitted to it by the government and present adequate proposals to them via the General Secretariat of the Council of Ministers.

Article (21),(22),(23),(26) and (27) were amended vide Royal Decree No. 35/2000.

- d) * Present recommendations to the Council of Ministers regarding draft development plans and general budgets referred by the government to the Majlis prior to the approval procedures,
- e) Participation in deepening the public awareness of the development plans and their objectives, roles, and priorities, and the effort made for the implementation of those plans so as to verify the nature of the urgent needs of the regions as well as reinforcing the ties between the government and the citizens.
- f) Participation in all effort made for conserving the environment and protecting it from pollution damages.
- g) Consider of all matters relating to public services and utilities suggest the best ways for developing and improving their performance.
- h) Consider of all possible impediments that might confront the economy sector and set forth the appropriate remedies for them.
- i) State views to the other issues, which His Majesty the Sultan may refer to the Majlis.

Article (30): Without prejudice to Article (29), paragraphs (a, b, c, and d), Majlis A'shura shall submit its recommendations to His Majesty the Sultan.

Article (31): Ministers of public services shall submit to the Majlis annual reports in respect of their Ministries achievements and plans. The Majlis has the right to call on any of the Ministers, when required, to present a statement before the Majlis about some of the issues related to his Ministry's concern and subject them for discussion.

Article (29,a,d) vide Royal Decree No. 74/2003.

*The Royal Decree No. 88/97
Issuing the Internal Regulations
of Majlis A'shura*

We, Qaboos bin Said, the Sultan Of Oman,

After perusal of the Basic Statute of The State issued by the Royal Decree No. 101/96, and

The Royal Decree No. 97/91 issuing the Internal Regulations of Majlis A'shura and its amendments there to The Royal Decree No. 86/97 on the establishment of the Council of Oman, and

In accordance with the exigencies of public interest,

Have Decreed the Following:

Article (1): The provisions of the attached Internal Regulations of Majlis A'shura shall be employed.

Article (2): The Royal Decree No. 97/91 and whichever might contravene with this Decree or conflict with its provisions shall be rendered canceled.

Article (3): This Decree shall be published in the Official Gazette and come into effect as from the date of its publications.

Issued on 16th Sha'aban 1418 AH

Corresponding to 16th December 1997 AD

Qaboos Bin Said

Sultan of Oman

The Internal Regulations of Majlis A'Shura

Chapter One

Provisions of Membership

- Article (1):** Members should regularly attend the Majlis and the Committees meetings. In the case of his inevitable absence from one of the Majlis sessions or meetings the member should notify in writing either to the President of the Majlis or the Chairman of the concerned Committee as per prevailing circumstances.
- Article (2):** Any member who is obliged for any reason to leave the Majlis premises during the sessions , he should excuse himself from the President of the Majlis or the Chairman of the concerned Committee as per prevailing circumstances.
- Article (3):** All members shall have Freedom of speech inside the Majlis. Members, whether inside or outside the Majlis, should not commit acts that contravene the rules of Law or these regulations. And should give due respect to the State.
- Article (4):** Members should not commit any of the following acts:
a. Disclose any information relating to the discussions at the Majlis, the Majlis Bureau at the Committees..
b. Allow non-Majlis members to peruse the minutes of the meeting of the above organs.
Members of the Majlis Bureau and Committees shall not allow other members of the Majlis to peruse the minutes of meetings of the Bureau or the Committees except by the written consent of the President.
- Article (5):** In all cases, a member shall not exploit his status to obtain personal privileges and he shall refrain from raising any personal issues for discussion before the Majlis.
- Article (6):** No penal action for a non-attested crime shall be taken against any member during perennial sessions without the Majlis permission. Such permission shall be obtained from the President in between sessions.

Chapter Two

The Majlis Main Organs

- Article (7):** The main organs of the Majlis are defined as follows:
First: The President of the Majlis.
Second: The Majlis Bureau.
Third: The Committees.
Fourth : The General Secretariat.

Section One: President of the Majlis

- Article (8):** The President shall generally supervises the progress of all activities of the Majlis and ensures its compliance with the laws of the Country and these Regulations. He may seek assistance, to this end, from either of his Vice Presidents or the Majlis Bureau.
- Article (9):** The President shall open and presides over the Majlis sessions, announces its termination, administers discussions, grant permissions to speak, specifies the subject of discussion, directs the speaker to confine himself to the point under discussion and the provision of these Regulations. Any interposition by the member speaking that contravenes the directives of the President shall be ignored and later deleted from the verbatim minutes of the session.
The President proposes, puts issues for voting motions, and announces the recommendations reached by the Majlis.
- Article (10):** The President may invite any of the Majlis committees to convene to study any important or urgent subject, and shall preside over the committee's meetings which he attends.
- Article (11):** The President represents the Majlis in all correspondences with other authorities and speaks on its behalf.
- Article (12):** The President shall supervise the preparation of the Majlis budget and shall submit it to the Majlis Bureau for discussion before referring the same to the Majlis for approval.
- Article (13):** The President shall supervise over the General Secretariat and all administrative, financial and technical affairs of the Majlis.
- Article (14):** The President of the Majlis has the authorities vested into a minister or head of a governmental unit as far as financial and administrative affaires of the Majlis and its employees are concerned.
- Article (15):** The President may assign some of his competence to either of his Vice-Presidents, and may assign him to preside over some of the sittings of the Majlis or the Bureau. The Vice-President shall assume the powers vested in the President in these regulations concerning the administration of the sitting.

Section Two: The Majlis Bureau

- Article (16):** The Majlis Bureau shall set up a plan for the activities of the Majlis and its committees, in order to ensure an orderly progress of work. It shall supervise the activities of the Majlis and its

committees and provide assistance to the Majlis members in exercising their duties. It shall as well, provide assistance to the Majlis committees and set up provisions regulating the administration of their duties and coordination between their various activities according to the provisions of these regulations.

Article (17): The Majlis Bureau shall take charge of the Majlis activities in between the sessions.

Article (18): The Majlis Bureau may assign any of the committees to study a particular subject and submit its report and recommendations. The Bureau may decide to submit the report to the Majlis or take any other appropriate decision in its respect thereof.

Article (19): The Majlis Bureau shall discuss the items of the draft budget of the Majlis referred to it by the President prior to submitting it to the Majlis for approval.

Article (20): The Majlis Bureau shall participate with the General Secretariat in setting up sessions agenda according to the action plan formulated and shall give priority to tabling issues referred to the Majlis by His Majesty the Sultan, the Government and those issues which have fulfilled their elements.
The Secretary General shall declare the agenda and notify the members thereof at a sufficient time before convening the sitting.*

Article (21): The Bureau shall select delegations which represent the Majlis for missions inside or outside the Sultanate. The delegations shall submit report to the Bureau about their activities and visits.
The Bureau also tasked with selecting the members that would participate in committees established by the Government, to which the Majlis is invited. Members selected by the Bureau are considered representatives of the Bureau views.**

Article (22): The Bureau shall receive applications and suggestions from the citizens in respect of issues of public interest. The Bureau may then seek the Government view on them or transfer them to the concerned committees.
The General Secretariat may be directed to notify the applicants of the action taken on their submissions.

Article (23): In addition to the other competences provided under these regulations, the Bureau shall supervise all financial and administrative affairs of the Majlis in accordance with the provisions set up by the Bureau for this purpose and approved by the Majlis.

Article (24): The President shall invite the Bureau to periodical meeting and

* Article(20) vide Royal Decree No. 71/2004.

** Article(21) vide Royal Decree No. 106/2000.

may invite it to extraordinary meetings as well. Quorum of the Bureau meetings shall not be reached unless attended by the majority of its members among whom should be the President or either of his two Vice-Presidents. Decisions of the Bureau shall be issued by the majority of the attending members among whom should be the President or either of his two Vice-President in the event of his absence.

Apart from the Bureau's members, meeting of the Bureau shall only be attended by the Secretary General and other members of the Majlis, members of the staff who have been so permitted and Government officials and other persons who have been invited to discuss a certain issue, tabled before the Majlis.

The Secretary General shall supervise editing the minutes of the Bureau's meeting which shall be endorsed by the President or Vice- President, who has chaired the session, as necessary.

Article (25): Should a Bureau member's seat become vacant for any reason, the Majlis shall elect another member in accordance with the Bureau's nominations.

Section Three: The Committees

Article (26): The following permanent committees shall be formed in the Majlis:

1. The Legal Committee.
2. The Economic Committee.
3. The Committee for Health and Social Affairs.
4. The Committee for Education and Culture.
5. The Committee for Services and Development of Local Communities.

Other permanent committees may be formed through a decision by the Majlis.

Article (27): Each of the above committees shall be formed of a number of members fixed by the Majlis as proposed by the Bureau, at the beginning of its first perennial session. Formation of the committees should bear considerations of their abilities to act satisfactorily.*

Article (28): After its formation, each committee shall elect from among its members, a Chairperson and a Deputy Chairperson. Such an election shall be by absolute majority. The secretariat duties of the committee shall be entrusted to one of the Majlis staff.

Article (29): Committees shall, at the beginning of each perennial session and within their competence, determine the subjects or topics that need to be studied, and have them prioritised in order of performance during the Majlis' session. Committees shall then forward a statment in this respect to the President, in order for him to be put it before the Majlis in the first following sitting, if possible.*

* Article(27,29) vide Royal Decree No. 71/2004

- Article (30):** Each of the permanent committees shall study the draft-laws or any other subject referred to it that falls within its competence.
- Article (31):** The Chairman of each committee shall administer its functions and the Deputy shall have the same rights in his/her absence.
- Article (32):** The Committee shall set its Agenda subject to suggestions from its Chairperson.
- Article (33):** The Committee shall convene by invitation issued by the Chairperson or, in his/her absence, the Deputy Chairperson. Such invitation shall be made at ample time before the date fixed for the meeting.
- Article (34):** The meeting of the committees shall be held in-camera. Quorum of these meetings shall not be reached unless attended by at least two thirds of its members. Decisions shall be passed by the majority of the attending members.
- Article (35):** Minutes shall be taken for each Committee meeting. The minutes shall include names of the attending and the absent members, a summary of the discussions and the texts of the decisions taken. The minutes shall be signed by the Chairperson and the Secretary of the Committee.
- Article (36):** All correspondence between the Chairperson of the committee and the concerned authorities shall be made via the President of the Majlis.
- Article (37):** Each Committees of the Majlis may request the approval of the President to meet the concerned Minister or any ministry official representing him, in order to hear explanations, information, or statements they may provide regarding issues within the competence of the Committee.
- Article (38):** In pursuance of study of any subject within its competence, each committee may request, from any government or public entity, through the President, any statements or information deemed necessary for that study.
Committees may conduct / lead field trips (visits) related to the subject under study (referred to the Committee) after the approval the Majlis.
- Article (39):** Each committee may form one or more sub committees, from among its members, to study specific issues.
The regulations and procedures for the permanent committees shall be applicable to the sub-committees.
- Article (40):** The committee shall submit its report to the Majlis on the date fixed by the latter.

- Article (41):** The committee shall submit its report to the President of the Majlis to be enlisted on the Agenda. The report shall be distributed to all the members at least the date of the meeting fixed for its discussion.
- Article (42):** The report should include the committee's view on the subject and the reasons to justify such views. If the subject referred was a draft-law, its original text should be attached to the committee's report.
- Article (43):** For each report submitted, the committee shall appoint a reporter from among its members to present it to the Majlis. In case of the reporter's absence, the President may nominate one member of the committee to report.
- Article (44):** The Majlis may decide to form a special committee for a specific issue. The committee shall be dismissed after having performed its duties or upon a decision issued by the Majlis.
If the Majlis approved the formation of such a committee in principle, then the President of the Majlis would select its members and Chairman and report their names to the Majlis at the next session.
- Article (45):** The Majlis may, upon recommendations by its President, refer any subject tabled before it to a joint committee.
Such a committee shall be formed of one of the Majlis 'committees and number of members from other committees concerned with the subject.
The joint committee shall be presided over by the Chairman of the committee, which was originally entrusted with the study of the subject in question.

Section Four: The General Secretariat

- Article (46):** The Majlis General Secretariat shall be formed of the Secretary General, his assistants and the staff of the lepartments and sections listed in the organizational structure of the Administrative Apparatus issued by a resolution from the Majlis.
- Article (47):** The General Secretariat shall assume the tasks necessary for providing assistance to the Majlis and all its organs to enable them exercise their competence and responsibilities according to the general organizational provisions drafted by the Bureau and approved by the Majlis.
- Article (48):** The Majlis shall, as per the General Secretariat proposal in coordination with the Majlis Bureau, set up the Regulations organizing the Majlis personnel affairs. Provisions not covered by these Regulations shall be governed by the Civil Service law and its Executive Regulations.

- Article (49):** The Secretary General shall assume the competence vested in him by these internal regulations which specifically include the following:
- a. Supervision of all departments and sections of the General Secretariat, distribution of tasks among them and controlling their performance. Officials in charge of the departments and sections shall submit to the Secretary General the outcome of the performance of their departments. The Secretary General shall be responsible to the President for the progress of performance.
 - b. Attend the meetings held by the Majlis, and the Bureau and the committees.
 - c. Supervise editing the minutes of the Majlis ' meeting and announce them to the members according to the President's instructions, or those of any of his Vice Presidents as necessary. Any other duties assigned to him by the Majlis, the President and the Majlis Bureau.

- Article (50):** To perform his competence and supervise the Council's financial and administrative departments, the Secretary- General shall have the powers vested in an Under Secretary in the Government's administrative apparatus.

Chapter Three

The Majlis Duties and Rules of Performance

Section One: Draft Laws

- Article (51):** The President shall refer the draft laws, received from the Government, to the concerned committees to be studied and submission of their report on them to the Majlis.
- Article (52):** In case the concerned committee introduced substantial amendments to the draft law, it shall, in addition to submitting its report, refer the draft-law and amendments to the legal committee for comments on the introduced amendments and proper coordination of the provisions. The concerned committee shall refer in its report to the comments of the Legal Committee.
- Article (53):** The Majlis should begin with discussing the draft law in general. If it approved the subject in principle, then it should start detailed discussion article by article. In case the committee's report introduced amendments to some article, voting shall be taken on the amendments first and then on the article as a whole.
- Article (54):** The Majlis shall refer the revised Draft Laws, along with its recommendations, to the State Council.*

* Article(54) vide Royal Decree No. 106/2000

Section Two: Valid Laws

- Article (55):** The Majlis committees may, as assigned by the Majlis Bureau, study the currently enforceable laws related to the concerned committee's competence with view of developing their provisions.
- Article (56):** Should a committee think that any of the valid laws needs amendment, it should submit a report to that effect to the Majlis Bureau.
- Article (57):** The committee's report on any proposed amendment shall be referred to the Legal Committee to be studied. Joint meetings between the two committees may be held for this purpose.
- Article (58):** The Legal Committee shall submit its report on the proposed amendment to the Majlis Bureau. The report shall include the appropriate legal drafting of the provisions in question.
- Article (59):** Should the Majlis Bureau decide to introduce the issue of the proposed amendments in the table of the Agenda, the provisions of article (53) and (54) shall be applied.

Section Three: Participation in the Preparation for Setting-up the Development Plans

- Article (60):** The Government shall refer the draft five-year development plans and the draft general state budget to the Majlis A'shura at a sufficient time prior to its endorsement.
Majlis A'Shura has to express its views and opinion on these drafts within thirty days from the date of receiving them.*
- Article (61):** The draft five-year development plan and the draft general state budget shall be referred immediately upon arrival at the Majlis to the Economic Committee for prompt study. *
- Article (62):** The Chairman of the other permanent Committees shall be considered as members of the Economic Committee as soon as the draft five-year development plan and the draft general state budget had been referred to it. They shall assume such a status until the Majlis completes the task of considering the said drafts.
- Article (63):** The Economic Committee shall present a report regarding the the draft five-year development plan and the draft general state budget. The report shall contain a statement of their goals in all fields.*
- Article (64):** Members may submit their written comments on the report within a period specified by the President, providing it is at a sufficient time before convening the sitting dedicated for the discussion of the report. The Committee shall convene during this period to study

the comments and express its opinion regarding them in an annex to its original report to be submitted to the Majlis.*

Article (65): The debate on the draft five-year development plan and the draft general state budget shall begin at the assigned sitting by reading out the Committee's report and its annex, unless the Majlis rules that it shall be sufficient to have them filed. Permission to speak shall be granted to the Committee reporter, then the Government representative, if present at the sitting, then to the members. The debate may be continued over one or more consecutive days. No new remarks could be presented during the discussion. *

Article (66): After the debate is concluded, the President shall take vote on the Committee's report and the members comments, and shall notify the Council of Ministers of the Majlis views accordingly.

Section Four: Proposals

Article (67): Majlis A'shura may present proposals to the Government regarding issues related to services and public utilities and the means to develop them and maintain their performance; or obstacles facing the economic sector, whenever the Majlis, by its own accord and without being motivated by the government, is of the opinion that they are in the public interest.

Article (68): Each member of Majlis A'shura has the right to present proposals regarding the issues stated in the above article. The proposals shall be presented in writing to the President together with the supporting rationale and justification. In case of urgency, the President may submit the proposals to the Majlis directly without referring them to the concerned committee. Otherwise he shall refer them to the concerned committee to study them and present a report. The President shall notify the Majlis with these procedures at the next meeting.

Article (69): If the President is of the opinion that the proposal presented by one of the members does not fall within the competence of the Majlis, he may, with the approval of the Majlis Bureau, decide not to present it to the general meeting.
The President may, with the approval of the Majlis Bureau, exclude any proposals that contains improper expressions or misrepresentations against persons or the authorities or violates the higher interests of the country.

Section Five: Questions

Article (70): The Majlis members have the right to address questions to services Minister on one to one basis, (i.e. a question can only be addressed by one member to one Minister.)

* Article(60 to 65) were amended vide Royal Decree No. 71/2004

* Article(66) vide Royal Decree No. 71/2004

A question, as far as application of these regulations is concerned, shall mean an inquiry into an issue which the member is not aware of, or an incidence that was brought to his attention which he would like to be verified, providing that the above falls within the competence of the Majlis.

Article (71): The question shall be submitted in writing and shall be explicit, brief and signed by the concerned member. It should be confined to the issues inquired about, without any comments or remarks. It should : also not relate to private interests or issues of personal nature, nor it should violate the provision of the Basic Statute of the State or harm the public interest.
The question should not have any explicit reference to persons or their personal affairs. It should not touch on any issue being examined by courts.

Article (72): Any question that does not comply with the conditions stated in the previous articles shall be excluded by the Majlis Bureau and the member presenting it notified with the reasons thereof.

Article (73): Without prejudice to the provisions of the previous article, the President shall submit the question to the concerned Minister and it shall be tabled on the agenda of the coming session.

Article (74): The Minister shall answer the question at the sitting fixed for that purpose. The minister may request to postpone the answer to another sitting, or file it with the General Secretariat for perusal by members and such action shall be confirmed on the sitting agenda. He may also delegate one of his Ministry's senior staff to deliver the answer before the Majlis.

Article (75): The member presenting the question shall alone be entitled to comment on the answer. His comment shall be brief and once only.

Article (76): The question shall cease effect when answered, and shall not lead to open discussions or constitute grounds for a decision to be issued by the Majlis.

Section Six: Debate Request

Article (77): Subject to the approval of the Majlis, debate requests to discuss any issue that is within the competence of the Majlis with the concerned Minister, may be submitted in writing and signed by at least five members. All members shall be entitled to participate in the debate and may ask the Minister verbal questions. The Majlis may issue recommendations and proposals it sees relevant.

Article (78): The President shall inform the concerned Minister of the debate request immediately after the Majlis' approval and shall invite him to attend.

The Majlis Bureau shall determine the general framework of the points to be covered by discussion, enclosing it with the invitation extended to the concerned Minister.

The subject of the debate shall be tabled on the agenda of the session to be held at least one week after the date of extending the invitation to the concerned Minister. The Minister may request to postpone the debate for the period upon which he agrees with the President of the Majlis.

In coordination with the President, the Minister may also specify the number of sessions he might need to tackle the issues raised for discussion.

Chapter Four **Meeting Procedures**

Article (79): The rules of works of the Majlis shall specify the number and date of the sittings during each perennial session. A sitting may be adjourned by the Majlis approval to an unspecified date. In such cases the President shall specify the date of the next sitting and notify the members thereof. The President may, in urgent cases call upon the Majlis to convene before the date fixed for the sitting.*

Article (80): The Majlis sitting shall be held in-camera and shall only be attended by its members, the Secretary General, members of the staff permitted to attend and others who are invited to any one of the sittings.

Article (81): Sittings in which services Ministers present their reports and answer members' questions, shall be reported through national media.

The media coverage of the members questions and the answers to these questions should be done in accordance with the norms observed by the Omani society.

Broadcasting should be in suitable periods fixed by the competent authorities to ensure full benefits.

Article (82): The following points should be observed in the Majlis sitting in which the service Ministers present their statements:

a. The statement of the Minister shall be distributed to the members in ample time before the start of the sitting, to enable them study it carefully. The President of the Majlis shall briefly acquaint the concerned Minister with the main issues that shall be raised by the members to enable him make available all the necessary information and data that help the citizens follow up the matter in question.

* Article(79) vide Royal Decree No. 71/2004

b. The member's questions shall be specific, direct and related to the nature of the Minister or the government official's work. The Minister or the government official may abstain from answers for which they do not have enough information, or the questions that are out of their competences.

Comments on the Minister's answers or any inquiries about them should be given in an in-camera sitting held at the Majlis or committees level, as necessitated by the nature of each issue raised for discussion.

Article (83): Lists shall be available to members, half an hour before the opening of the sitting to sign their names for attendance. Other lists shall also be available for their signature as per the system approved by the Majlis Bureau.

Article (84): The President shall open the Majlis sittings provided that they are attended by, at least, two thirds of the members. If quorum is not reached at the opening time, the President shall adjourn the sitting for half an hour. If the quorum is still not reached after this time, the President shall adjourn it and fix a date for the sitting.

Article (85): After the sitting is open, the Secretary General shall read out the names of the members excusing themselves and those who are absent. Then the Majlis shall consider the subject on the Agenda.

Article (86): Discussions on subject not enlisted on the Agenda shall not take place unless so required by the Government or the President.

Article (87): The Secretary General shall file members' applications to speak as per sequence of their request.

Article (88): No member shall speak in the sitting unless he requests to do so and being permitted by the President. Except for requests to expedite reports on subject referred to the Majlis' Committees, nobody shall be allowed to speak on any subject referred to any of the committees unless the committee's report has been submitted.

Article (89): Without prejudice and to any special provision regarding priorities of speech, the President shall grant permissions to members who wish to speak, as per sequence of their applications and in compliance with the course of discussion. Any member who has filed an application may waive his turn to another.

Article (90): Government officials may appear before the Majlis or its committees as per their requests, and they are obliged to appear in response to the Majlis' invitation to deliver a statement or clarification about the policy of their Ministry or the Government. The government officials, in such cases shall not have the right to vote.

Article (91): Any member may request clarification on a particular matter and hear the reply from the government official who delivers a statement or clarification as per his own request or in response to an invitation by the Majlis, provided that the clarification are in respect of an important issue of public interest.

Article (92): When expressing his point of view, the member should not go beyond the subject in issue, and should restrict himself to the rules of discussion and take care not to repeat his opinions or the opinions of those who spoke before him. Only the President of the Majlis has the right to remind the member that he has deviated from the subject in issue, or that his opinion has been clearly stated and the President may fix the time that he sees suitable for any member to express, within its limits, his opinions about an issue, It is not permissible for any member to use inapt or vulgar words or unseemly expressions that might harm the Majlis, the president of the Majlis, or people and institutions, or might touch the public decency and order. Furthermore it is not allowed to be involved in what might detriment the Basic Statute of the State, the dignity of the Government or the due order of the sitting.

Article (93): No body except the President shall interrupt the member or make any remarks to him. If the President drew the attention of the member to a certain point twice during his speech in one sitting, and the speaker didn't comply with the President's request, the President may refuse to allow the member to speak for the rest of the sitting.

Article (94): Has the Majlis decided to forbid any member to speak but he did, or tried to disturb the general order, the President may decide to remove him from the sitting hall. This will result in depriving the member from taking part of the Majlis proceedings for the remaining part of that sitting, exclude his statement from the minutes, and consider him as absent.

Article (95): In case the President decided to bar the member from attending the rest of the sitting, and the member failed to do so voluntarily, the President may suspend the sitting and take the necessary action to enforce his decision. In this case, the deprivation of the member will automatically extend to the next three sittings.

Article (96): The member who has been deprived from attending the proceeding of the Majlis as per the above article, may request suspension of the decision as from the next day of its issue by expressing regret to what has happened and apologize in writing for his disrespect to the decision of the President. The apology shall be read in the first coming sitting.

Article (97): The Secretary General shall supervise editing minutes of the Majlis sittings according to the directives of the President. The minutes

shall be signed either by the President or the member Presiding over the sitting, as necessary, and the Secretary General. It shall be kept in the records of the General Secretariat of the Majlis. Nobody except the members shall be entitled to peruse the Majlis sittings minutes.

Article (98): Voting may be taken by raising hands or by any other means determined by the Majlis. In case of failure to obtain a clear result by raising hands, voting shall be obtained by calling members' names. No discussion or new views shall be expressed during the voting. The President shall cast his vote after all members have done so.

Article (99): The Majlis recommendations shall be issued by majority votes of, least, two thirds of the attending members.

Article (100): The President shall declare to the members the Majlis ' recommendations according to the voting results. No comments on the recommendations shall be made after their declaration. The President shall also declare the suspension of the sitting or its termination as well as the date and time of the next sitting.

Article (101): The General Secretariat shall edit verbatim minutes for every sitting in which all procedures, subjects, discussions and recommendations made shall be put in writing. The General Secretariat shall take appropriate measures to maintain the secrecy of these verbatim minutes.

Article (102): The President may decide to exclude from the verbatim minutes any part pf speech delivered by a member in violation to the rules of these regulations.

Article (103): The General Secretariat shall distribute the verbatim minutes of each sitting or continuous sittings during the perennial session after they are typed. Distribution shall take place at least one week before the beginning of the next sitting, unless deemed necessary by the President to be distributed at another date. Any, member who attends the sitting shall be entitled to apply for endorsing the corrections he considers appropriate in the minutes of the said sitting. The applications shall be presented by the member to the General Secretariat in writing within, at most two days from the date at which he received a copy of the minutes.*

Article (104): The verbatim minutes of each sitting or continuous sittings shall be presented at the first following sitting accompanied with the relevant applications for correction. When the Majlis approves the correction, it shall be noted in the verbatim minutes of the sitting at which it was approved. The verbatim minutes of the previous sitting shall be corrected accordingly. No corrections in the

* Article(103, 104) vide Royal Decree No. 71/2004

verbatim minutes shall be made after its endorsement. It shall be signed by the President and the Secretary General and shall be kept in the records of the Majlis.

The verbatim minutes of the last sitting or last continuous sittings of the last perrenial session (at the end of the Majlis term) shall be endorsed by the Majlis Bureau.*

Chapter Five **The Majlis Affairs**

Section One: The Majlis Budget and Accounts

Article(105): The Majlis budget is independent from the state master Budget and shall be inscribed as a lump sum figure. The Majlis Bureau shall consider the draft budget submitted to it by the President and make its appropriate recommendations regarding its items and means of expenditure. It shall be annually submitted to the Majlis for approval and shall be f finally endorsed by His Majesty the Sultan.

Article(106): The Majlis Bureau shall formulate the rules for the organization of the Majlis accounts, means of expenditures, inventory and other financial affairs.

Article(107): The Majlis shall be solely responsible for the control of its own accounts and shall not therefore be subject to any supervision or audit by any other authority. Nevertheless, the President may seek assistance from the General Secretariat for state Audit to prepare and submit a report to him regarding the Majlis accounts, implementation of budget or any other financial affairs.

Section Two: Keeping Order in the Majlis

Article(108): Order inside the Majlis shall be solely maintained by the Majlis itself, and the President shall specify in co-ordination with the competent authorities, the necessary security measures in this respect.

Article(109): Nobody shall be allowed to enter the Majlis premises except by special permission. Those holding such permissions should follow the instructions issued to them by the concerned authority or otherwise subject themselves to be driven away.

Chapter Six **Final Provisions**

Article(110): With the exception of the statements submitted to the Majfis by the Ministers or other government representatives in regard to the'

Ministry or government plans, no issue shall be submitted to the Majlis or be included in its Agenda before satisfying the criteria of availability of all its details, information and related studies.

Article(111): The General Secretariat shall provide a number of files containing copies of the details, information and related studies referred to in the previous article. These files shall be put at the disposal of the members who wish to peruse them inside the Majlis premises before the sittings.

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Appendix 3

List of Interlocutors

U.S. Embassy Representatives

Ambassador Richard L. Baltimore III

Michael Snowden

First Secretary, Chief of the Political - Economic Section

Sarah M. Jackson

Coordinator, Special Programs Development, Public Affairs Section

Cynthia Plath

Political/ Economic Officer

Lia Miller

Assistant Public Affairs Officer

Ahmed H. Al-Sawaei

Economic/Commercial Assistant

Government of Oman Representatives

H.E. Sheikh Said bin Mohammed Al Bukaiki

Deputy President of Main Committee for Elections; Governor of Musandam

Ministry of Interior

Dr. Suad Suliman

Member of Main Committee for Elections, Ministry of Interior; Sultan Qaboos

University Faculty Member

Khalid Hilal Ali Al-Mamari

Member of Main Committee for Elections and Director of Conferences

Ministry of Interior

Mr. Jabri

Director of Legal Affairs and Supervisor, Main Committee for Elections

Ministry of Interior

Hanan Abdulaziz Al-Kindi

Director of Arabic Programs, Ministry of Information

Member of Main Committee for Elections, Ministry of Interior

Ali Za'banout
Secretary General of Information, Ministry of Information
Member of the Ministry of Interior's Media Committee for Elections in 2003

Abdullah Al-Harthy
Director of the Judicial Higher Authority
Ministry of the Diwan

Taibah Al-Ma'wali
Information Specialist
Ministry of Regional Municipality and Environment
Former Member of Majlis Al-Shura; First Female Member

Sultan Bin Ahmed Bin Abdullah Al-Harthy
Director General of Housing, Electricity and Water for the Al Dhahira Region

Abdullah Al-Ghaelhi
Director General of Education, Ibra

Majlis Al-Shura Representatives

H.E. AbdulQadir bin Salim Al-Dhahab
Secretary General

H.E. Said bin Saad Al-Shahry
Salalah Representative and Chairman of the Legal Committee
Owner of Al-Shahry Legal Office

Rahila Amer Sultan Al-Riyami
Bausher Representative

Said Al-Barwani
Ibra Representative and Member of the Legal Committee

Sheikh Ali bin Ahmed Al-Harthy
Former Member of the Majlis Al-Shura

Majlis Al-Dawla Representatives

H.E. Sheikh Aflah bin Hamad bin Salim Al-Rawahi
Vice President, Majlis Al-Dawla

H.E. Dr. Said Bin Hilal Al-Busaidi
Chair of the Legal Committee

Media Representatives

Essa M. Al-Zadjali
Chairman, Muscat Press and Publishing House
Chief Editor, *Times of Oman* and *Al-Shabiba*

Ahmed Essa Al-Zadjali
Chief Executive Officer, Muscat Press and Publishing House
Technical Director, *Al-Shabiba*

Awadh Ba Quair
Chief Editor and Head of Political Section
Oman Arabic Newspaper

Rafiah Al-Talie
Chief Editor for a Women's Magazine
Former Candidate for Omani Parliament

University Representatives

Isam Ali Ahmed Al-Rawas
Dean of the College of Arts & Social Sciences
Sultan Qaboos University

Anwar M. Al-Rawas
Assistant Professor, College of Arts & Social Sciences and Department of
Mass Communication
Sultan Qaboos University

Civil Society Representatives

Mokhtar Moh'd Al-Rawahi
President, Oman Association for the Disabled

Zaki Obaid Al-Hajri
Committee Coordinator, Oman Association for the Disabled

Business Community Representatives

Hamad Al-Sinawi
Director of the Development Bank, Ibra

Sheikh Khamis Al-Hushar
Political Intellectual/Businessman

ASSESSMENT TEAM AND IFES CONTACT INFORMATION

Dr. John Duke Anthony
Gulf Expert and IFES Consultant

Dr. Paul Harris
IFES/Yemen Country Director and Election Expert

Aileen Hanel
IFES Program Officer for the Middle East and North Africa

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